

Message

From: Lynn L. Bergeson [lbergeson@actagroup.com]
Sent: 9/2/2018 10:14:34 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re: Dunn

Will do!

On Sep 2, 2018, at 6:11 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Yes, definitely. And I appreciate that.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

On Sep 2, 2018, at 6:08 PM, Lynn L. Bergeson <lbergeson@actagroup.com> wrote:

So would a letter from former ABA SEER chairs help? I can write tomorrow

On Sep 2, 2018, at 4:35 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Yes. Of course.

We have some outstanding endorsements for Alex bar association included, state directors of both parties, others. Of course, as you well know this has nothing to do with her qualifications and her confirmation will have nothing to do with her. I think what helps most is the kind of outreach which gets Alex on the radar of leadership as someone which needs to be prioritized. In the meantime, the endorsements and prep for the hearing is my priority and negotiation for a vote comes shortly too.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

On Sep 1, 2018, at 10:17 AM, Lynn L. Bergeson <lbergeson@actagroup.com> wrote:

Can I help?

LYNN L. BERGESON

The Acta Group

2200 Pennsylvania Avenue, N.W. Suite 100W | Washington, D.C. 20037

Ex. 6 F: 202-557-3836 **Ex. 6** [acta group.com](http://acta-group.com)

Message

From: Charles Brittingham [cbrittingham@cassidy.com]
Sent: 8/20/2018 9:02:33 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re: What is the email for Wheeler's scheduler?

Thanks buddy. Appreciate you.

Charles
Sent from my iPhone

On Aug 20, 2018, at 12:01 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Dickerson.aaron@epa.gov

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

On Aug 20, 2018, at 11:52 AM, Charles Brittingham <cbrittingham@cassidy.com> wrote:

Thanks man

Charles Brittingham, II
Senior Vice President
Cassidy & Associates

Ex. 6

Message

From: Womack, Todd (Corker) [Todd_Womack@corker.senate.gov]
Sent: 8/3/2018 8:21:28 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: FW: Resume
Attachments: Hayly Humphreys' Resume.pdf

Ryan—

It was great to be with you last week. Hope we can do it again very soon.

You mentioned you are looking for a scheduler. I am not quite ready to give her up, but despite that apprehension, wanted to share the resume of my assistant and our assistant scheduler, Hayly Humphreys. She is great and would definitely be worth a conversation.

Have a great weekend.

Todd

From: Humphreys, Hayly (Corker)
Sent: Thursday, July 26, 2018 11:59 AM
To: Womack, Todd (Corker) <Todd_Womack@corker.senate.gov>
Subject: Resume

Hayly Humphreys

U.S. Senator Bob Corker (R-Tenn.)
(202) 224-3344

[Sign up](#) to receive email updates from Senator Corker.



Hayly Humphreys

Ex. 6

EDUCATION

August 2010 - May 2014

FURMAN UNIVERSITY

Bachelor of Arts, Political Science

Greenville, SC

EXPERIENCE

United States Senate

Washington, DC

Office of Senator Bob Corker (R-TN)

Assistant to the Chief of Staff

January 2016- Present

- Serve as both the primary assistant to our Chief of Staff, and as deputy scheduler to Senator Corker
- Spearhead our annual three-day staff training exercise including logistics and flights for over 60+ attendees
- Set and coordinate all meetings for legislative staff members
- Select interns for the Senator's personal office and the Senate Foreign Relations Committee
- Supervise intern program, managing and training all interns for the Senator's personal office

Healthcare Legislative Correspondent

May 2015- December 2015

- Managed all constituent correspondence regarding domestic and global healthcare issues
- Attended legislative briefings and hearings on behalf of the Senator
- Worked with the Healthcare Legislative Assistant to draft policy memos and press releases
- Met with constituents on behalf of Senator Corker to better understand their concerns regarding specific healthcare legislation

Constituent Services Representative

June 2014 – May 2015

- Oversaw and planned Washington, DC tour opportunities for Tennessee constituents
- Managed day-to-day operations of the front office
- Directed and coordinated Capitol events sponsored by Senator Corker's office, working with U.S. Capitol vendors and other Senate offices
- Organized the senator's weekly constituent breakfast

Intern

Summer 2012

- Provided Tennessee constituent tours of the Senate office buildings and the Capitol building
- Responded to constituent concerns and comments in the front office
- Utilized Intranet Quorum to sort and track the Senator's constituent correspondence
- Conducted legislative research
- Attended hearings, meetings, and briefings on behalf of the legislative staff

Office of Senator Lindsey Graham (R-SC)

Greenville, SC

Intern

Summer 2013

- Advocated on behalf of Senator Graham and South Carolina veterans to the Dept. of Veterans Affairs in order to expedite disability claims
- Assisted in day-to-day management of Senator Graham's Greenville district office

Bryce Corporation

Memphis, TN

General Counsel Assistant

Summer 2010 & Summer 2012

- Created an office organizational program to catalogue all corporation legal documents
- Scheduled meetings and events for the legal team
- Reviewed job applications

Message

From: Venuto, Sarah (Manchin) [Sarah_Venuto@manchin.senate.gov]
Sent: 8/1/2018 7:12:52 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re: Checking in

Thanks as always !

Sarah Venuto
Senator Joe Manchin III
202.224.3954

> On Aug 1, 2018, at 8:13 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

>
> Not a problem.

>
>
>
>
>
>
>
>
> Ryan Jackson
> Chief of Staff
> U.S. EPA

> Ex. 6

>
>> On Aug 1, 2018, at 7:48 AM, Venuto, Sarah (Manchin) <Sarah_Venuto@manchin.senate.gov> wrote:

>>
>> Hey Ryan -

>>
>> Hope you are doing well. Just wanted to check in - hoping to connect our bosses via phone sometime soon for a quick call re good wishes on the new role, Minden and PFAS. Happy to chat to discuss beforehand and hope we can get something on the calendar. Thanks as always!

>>
>>
>>
>> Sarah Venuto
>> Senator Joe Manchin III
>> 202.224.3954

Message

From: Russell, Richard (EPW) [Richard_Russell@epw.senate.gov]
Sent: 7/31/2018 9:59:20 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re: RE:

Thanks

Richard Russell
Staff Director
Committee on Environment & Public Works

On Jul 31, 2018, at 5:58 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

They are under the fiscal years.

From: Russell, Richard (EPW) [mailto:Richard_Russell@epw.senate.gov]
Sent: Tuesday, July 31, 2018 5:44 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Memmott, Justin (EPW) <Justin_Memmott@epw.senate.gov>
Subject: RE:

Thanks. Do you have the numbers that go with the chart?

Richard M. Russell
Staff Director
Senate Committee on Environment and Public Works
202 224-6176

From: Jackson, Ryan <jackson.ryan@epa.gov>
Sent: Tuesday, July 31, 2018 5:41 PM
To: Russell, Richard (EPW) <Richard_Russell@epw.senate.gov>; Memmott, Justin (EPW) <Justin_Memmott@epw.senate.gov>
Subject:

I thought you might be interested in the amount of FOIA's EPA's Office of the Administrator alone has received.

Not air, water, land, general counsel, research and development, chemicals or other program offices. Just the Office of the Administrator.

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency

Ex. 6

Message

From: LesStrang, Dave [Dave.LesStrang@mail.house.gov]
Sent: 8/13/2018 7:42:59 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: RE: Interior Appropriations

Still unclear at this point who will be taking over my role. Hope to know soon. I'm happy for Tomassi but sorry to see him go.

From: Jackson, Ryan [mailto:jackson.ryan@epa.gov]
Sent: Sunday, August 12, 2018 1:51 PM
To: LesStrang, Dave <Dave.LesStrang@mail.house.gov>
Subject: RE: Interior Appropriations

Oh man, it definitely goes fast. I was at Inhofe's office and EPW for 15 years and it feels like a couple. Please let me know where you land, and if there's anything I can do to help in the future.

Who will be taking over for you. Lots of changes in the approps world. Tomassi is heading out too.

From: LesStrang, Dave [mailto:Dave.LesStrang@mail.house.gov]
Sent: Sunday, August 12, 2018 1:12 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Interior Appropriations

Hi Ryan-

I hope you're doing well and enjoying August. It looks like Administrator Wheeler has settled in and is doing well which is great to see. I hope and trust things have settled for you following this transition.

I wanted to let you know that I'm retiring from the House Appropriations Committee. After 30 years of working in the House, including 14 years for the Committee, it's time to begin a new chapter.

Ex. 6

Ex. 6

I'm grateful for our friendship and your support built over our time working together on EPA issues within the Appropriations Committee. Please let me know if I can be helpful going forward.

I will pass along my new contact information soon. In the meantime, my personal e-mail is

Ex. 6 - Personal Email My new cell number is **Ex. 6**

Thanks, Ryan. I look forward to staying in touch.

Best,

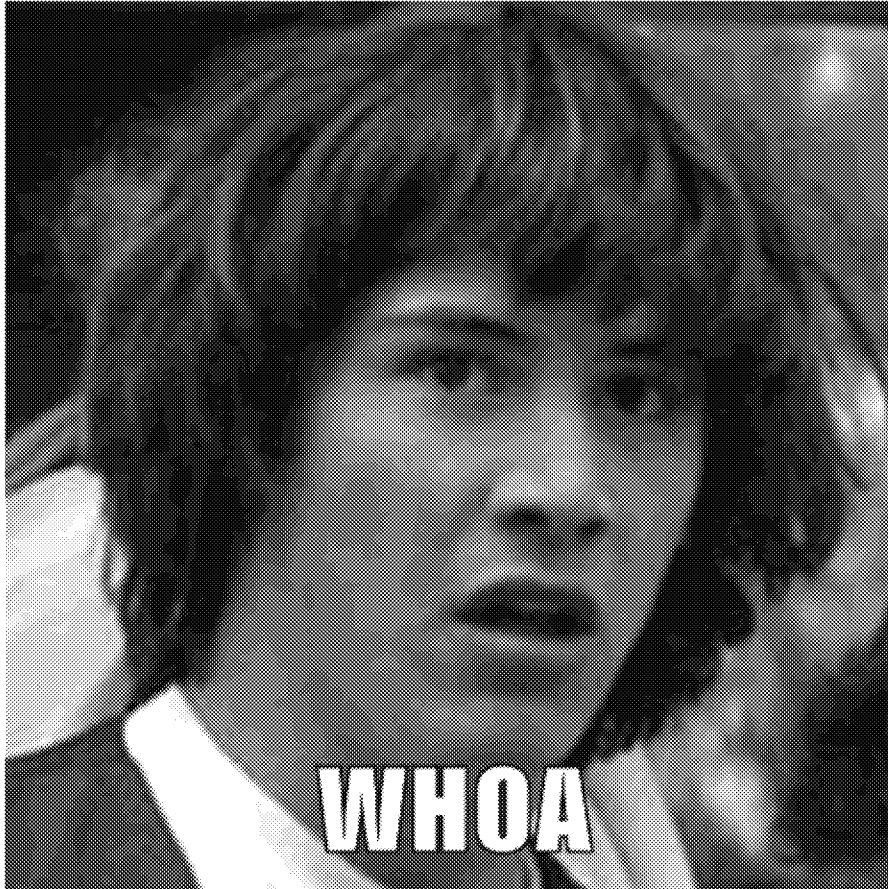
Dave

Dave LesStrang
House Committee on Appropriations

Subcommittee on Interior, the Environment,
and Related Agencies
202-225-3081

Message

From: Wright, Jennie (Inhofe) [Jennie_Wright@inhofe.senate.gov]
Sent: 7/31/2018 9:56:29 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Holland, Luke (Inhofe) [Luke_Holland@inhofe.senate.gov]
Subject: Re: FW:



On Jul 31, 2018, at 5:41 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

I thought you might be interested in the amount of FOIA's EPA's Office of the Administrator alone has received.

Not air, water, land, general counsel, research and development, chemicals or other program offices. Just the Office of the Administrator. Nice chart.

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency

Ex. 6

<Graphic FOIA Requests Recieved FY15-17.png>

Message

From: Rossi, Nick (Commerce) [Nick_Rossi@commerce.senate.gov]
Sent: 8/7/2018 8:20:15 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re:

Will do. Thanks

Sent from my iPhone

On Aug 7, 2018, at 12:29 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Nick, big thanks. Got your message. Maybe it would be easiest to just have her email me or reach out to me on my cell at [REDACTED] Ex. 6 Eager to speak with her. Thanks.

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency
[REDACTED] Ex. 6

Message

From: Lynn Dekleva [Ex. 6 - Personal Email]
Sent: 7/16/2018 5:06:47 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re:

Ryan
My schedule is relatively flexible this week except Tuesday Morning and Thursday until 3PM. Please let me know what is best for your schedule and I will make myself available.
Regards
Lynn

Sent from my iPhone

On Jul 16, 2018, at 12:11 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Lynn, thank you for your patience with us getting back with you. Is there an opportunity to connect this week to talk further? Much appreciated.

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency

[Ex. 6]

Message

From: Konkus, John [konkus.john@epa.gov]
Sent: 7/17/2018 11:24:58 PM
To: Eric Wolff [ewolff@politico.com]
CC: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re: EPA chief of staff: Agency aims to clear FOIA backlog in "a few months"

Thank you.

On Jul 17, 2018, at 7:24 PM, Eric Wolff <ewolff@politico.com> wrote:

Hi,

We're fixing the story to address these concerns. I understood from our conversation that the intent was to get caught up, and that's why the lead sentence said "EPA hopes to". I felt that captured what you were saying. As for the question of following an outcry, that got compressed in editing but we're addressing that as well.

Sorry for the confusion.

- Eric

On Tue, Jul 17, 2018 at 5:55 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

This article is not true. We did not initiate hiring new staffers due to some outcry. We started hiring new staff, as I told, you prior to April. Three joined around April or later, and we are in the process of hiring more. No outcry started this process. This is what we needed to do. That was clearly explained to you. I also did not tell you that EPA is clearing our backlog in a few months. I said we were working to clear and respond to FOIA's in the administrator's office within a few months we hope, but that while we receive 40-60 new FOIAs each week it may be a challenge.

From: POLITICO Pro Energy Whiteboard [mailto:politicoemail@politicopro.com]
Sent: Tuesday, July 17, 2018 5:07 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: EPA chief of staff: Agency aims to clear FOIA backlog in "a few months"

By Eric Wolff

07/17/2018 05:05 PM EDT

EPA hopes to clear a backlog of requests for records from the administrator's office "within the next few months," agency chief of staff Ryan Jackson told POLITICO today.

Following an outcry over unanswered Freedom of Information Act requests that grew under former EPA Administrator Scott Pruitt, the agency has worked to streamline how it processes requests and is in the process of hiring six to nine new staffers for its FOIA office, Jackson said in a phone interview. He said the agency also faced a backlog dating back to the George W. Bush administration.

"I believe that we have an organization in place now that will be able to response to these and get the FOIA requests answered, get FOIA lawsuits settled and completed we hope," he said.

"What I mean is, 1) either entirely responded, or 2) be in the process of providing documents on a rolling basis that the requester can expect on rely on," Jackson added.

EPA has seen jumps in both the number of requests and the number of lawsuits for failing to act quickly. Rep. Elijah Cummings (D-Md.), the top Democrat on the House Oversight Committee, last week demanded he be allowed to issue subpoenas due to abuses of FOIA.

In a response to Cummings sent Sunday, EPA principal deputy general counsel Kevin Minoli told Cummings and Oversight Chairman Trey Gowdy the agency had been working to clear up a long backlog of requests, including deploying a special team to help an overwhelmed staff in the Office of Administrator to deal with the increase.

To view online:

<https://subscriber.politicopro.com/energy/whiteboard/2018/07/epa-chief-of-staff-agency-aims-to-clear-foia-backlog-in-a-few-months-691906>

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Neutral



Not really



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[Arlington, VA, 22209, USA](#)

--
Eric Wolff
Energy Reporter
POLITICO

Ex. 6
ewolff@politico.com
@ericwolff

Message

From: Ron Ness [ronness@ndoil.org]
Sent: 7/11/2018 1:11:04 AM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Blu Hulseley [Blu.Hulseley@clr.com]
Subject: Re: Ron Ness

Absolutely

Sent from my iPhone

On Jul 10, 2018, at 7:28 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Would 9am work?

From: Ron Ness [mailto:ronness@ndoil.org]
Sent: Tuesday, July 10, 2018 6:52 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Blu Hulseley <Blu.Hulseley@clr.com>
Subject: Re: Ron Ness

Thank Blu, I can make anytime tomorrow before 3 work.

Sent from my iPhone

On Jul 10, 2018, at 6:48 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

That will be fine. I'm at 1200 Penn Ave. North entrance. My office line is Ex. 6
Ex. 6

From: Blu Hulseley [mailto:Blu.Hulseley@clr.com]
Sent: Tuesday, July 10, 2018 6:44 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Ron Ness (ronness@ndoil.org) <ronness@ndoil.org>
Subject: Ron Ness

Ron can be available tomorrow after 9am.
His contact number is Ex. 6
He's also included on this email.
Thanks

<image001.png>

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Message

From: Bloomquist, Mike [Mike.Bloomquist@mail.house.gov]
Sent: 3/20/2019 2:22:16 PM
To: Russell, Richard (EPW) [Richard_Russell@epw.senate.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]; Martin, Mary [Mary.Martin@mail.house.gov]; Lesofski, Emy (Appropriations) [Emy_Lesofski@appro.senate.gov]; Richmond, Kristin [Kristin.Richmond@mail.house.gov]; Lyons, Troy [lyons.troy@epa.gov]
Subject: Re: EPA Administrator Wheeler's Wilson Center Remarks on Global Water Issues

Thanks Ryan.

Michael Bloomquist
Staff Director
Committee on Energy and Commerce

On Mar 20, 2019, at 10:06 AM, Russell, Richard (EPW) <Richard_Russell@epw.senate.gov> wrote:

Thanks

Richard M. Russell
Staff Director
Senate Committee on Environment and Public Works
202 224-6176

From: Jackson, Ryan <jackson.ryan@epa.gov>
Sent: Wednesday, March 20, 2019 10:05 AM
To: Bloomquist, Mike <Mike.Bloomquist@mail.house.gov>; Russell, Richard (EPW) <Richard_Russell@epw.senate.gov>; Martin, Mary <Mary.Martin@mail.house.gov>; Lesofski, Emy (Appropriations) <Emy_Lesofski@appro.senate.gov>; Kristin Richmond (Kristin.Richmond@mail.house.gov) <Kristin.Richmond@mail.house.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>
Subject: FW: EPA Administrator Wheeler's Wilson Center Remarks on Global Water Issues

I wanted you to have a copy of Administrator Wheeler's remarks from this morning. This is an initiative which he plans to refer to consistently.

In particular we are drawing particular attention to this argument: "As Administrator of the U.S. EPA, I believe that water issues are the largest and most immediate environmental and public health issues affecting the world right now... Right now, up to 2.5 billion people around the world lack access to safe drinking water and, as a result, proper sanitation. This fact leads to anywhere from one to three million deaths every year. And those most likely to die from a lack of safe drinking water are young children. According to the United Nations, nearly a thousand children die every day due to preventable water and sanitation-related diseases."

We would be glad to provide additional background information on any stats of interest to you.

Thanks

Ryan.

From: EPA Press Office [mailto:press=epa.gov@cmail19.com] **On Behalf Of** EPA Press Office
Sent: Wednesday, March 20, 2019 8:50 AM

To: Jackson, Ryan <jackson.ryan@epa.gov>

Subject: EPA Administrator Wheeler's Wilson Center Remarks on Global Water Issues



U.S. ENVIRONMENTAL PROTECTION AGENCY
NEWS RELEASE
WWW.EPA.GOV/NEWSROOM

EPA Administrator Wheeler's Wilson Center Remarks on Global Water Issues

As prepared for delivery:

Thank you, Mike, for the introduction.

Good morning. It's a pleasure to be with you today for this important event, and the timing couldn't be better with World Water Day on Friday.

It's a privilege to be here with so many distinguished speakers and guests. Thank you all for joining us.

I want to thank the Wilson Center for hosting us. And I want to recognize our colleagues at the State Department, USAID, and the U.S. Water Partnership for all the hard work that went into today's event.

As Administrator of the U.S. EPA, I believe that water issues are the largest and most immediate environmental and public health issues affecting the world right now.

By water issues, I mean, primarily, clean and safe drinking water, marine litter, and water infrastructure.

Right now, up to 2.5 billion people around the world lack access to safe drinking water and, as a result, proper sanitation. This fact leads to anywhere from one to three million deaths every year.

And those most likely to die from a lack of safe drinking water are young children. According to the United Nations, nearly a thousand children die every day due to preventable water and sanitation-related diseases.

On the marine litter issue, billions of pounds of waste enter our oceans each year, harming marine life and coastal economies.

On infrastructure, we estimate that more than \$700 billion dollars are needed to modernize U.S. water infrastructure over the next 20 years. Much of the world faces similar infrastructure challenges.

I am here today because I believe - and President Trump believes -that we must do more to address these issues.

There will be some who say this all stems from climate change.

But the truth is that water challenges have been around for generations and are causing immediate deaths annually.

Areas of the world have struggled with water availability for centuries, and these struggles are due to access, geography, infrastructure, and technology - or the lack thereof.

My frustration with the current dialogue around environmental issues is that water issues often take a backseat. It's time to change that.

We need to do something about the millions of people who die each year due to a lack of clean water and sanitation. We need to do something about marine debris. And I believe we can do this while still addressing other challenges that loom on the horizon.

As we speak, there are pilot projects around the world focused on water issues. We need to get past small pilot projects to solving the problem for everyone. We need to leverage our lessons learned, step up public and private investments, and provide more effective financing and technical assistance abroad.

That is what I hope to initiate here today - and then work together to accomplish in the months and years ahead.

Between the federal departments, NGOs, corporations, and international institutions represented here today, we have the resources, technology, and expertise that many nations so desperately need. But we need to raise public awareness and unite our efforts in a manner that is effective and will stand the test of time.

In November 2017, the U.S. published its first-ever Global Water Strategy for this very reason. The strategy lays out the U.S. government's four key objectives:

1. <!--[if !supportLists]--><!--[endif]-->Access to clean and safe drinking water and sanitation services
2. <!--[if !supportLists]--><!--[endif]-->Sound management and protection of freshwater resources
3. <!--[if !supportLists]--><!--[endif]-->Cooperation on shared waterways

4. <!--[if !supportLists]--><!--[endif]-->Strengthening water sector governance and financing

Of course, much of this work is a continuation of what we are already doing. The U.S. remains one of the world's largest donors in the water sector - investing in infrastructure, technology, private sector engagement, and innovative financial instruments to mobilize local capital.

We will continue to focus our efforts on countries and regions where needs and opportunities are greatest - and where U.S. engagement can best protect our national security interests. The difference is that we are elevating this work to address global water security to a new level under President Trump.

I will explain how within the three areas of immediate concern: drinking water, marine debris, and water infrastructure.

First, drinking water.

The foundation of water security is access to clean, reliable drinking water sources. Here in the U.S., we have made tremendous progress on this front.

In the 1970s, more than 40 percent of our nation's drinking water systems failed to meet even the most basic health standards. Today, over 92 percent of community water systems meet all health-based standards, all the time.

There are a variety of reasons for these gains. I'll mention two that are particularly relevant to today's discussion.

First, forward-thinking lawmakers and private businesses understood that investments in America's water infrastructure would pay dividends for decades to come.

Second, our laws and regulations protect our water resources while recognizing the vital role of states and the private sector.

Our federalist system is one of our strengths. Those closest to the situation are often best suited to address it. While Washington is often better suited to conduct research, establish standards, monitor progress, and intervene when the situation warrants. This approach has served us well, and we continue to see progress.

For example, EPA provides targeted grants and technical assistance to the U.S. territories of American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands. We work with our federal counterparts, utilities, and the Governors to monitor drinking water and oversee waste management.

Our multi-faceted, multi-layered approach is working. Between 2003 and 2017, the percentage of people in the U.S. Pacific islands receiving safe water increased from 39

percent to 82 percent. Health-based violations that were common fifteen years ago have become a rarity.

We are committed to sharing this type of progress with developing nations throughout the world.

For example, EPA and USAID joined forces to develop the Drinking Water Laboratory Capacity Building Program in West Africa. This program helps provide clean drinking water in urban areas by building the capacity of labs for sampling, analysis, and quality assurance. EPA provides the technical assistance and know-how, while USAID provides the funding and on-the-ground presence.

The project launched in Ghana and sparked a new focus on water quality across the country, including the development of a Quality Assurance Manual, which will improve water quality for over 500,000 consumers. This manual is now being used as a model for other labs in the region. And labs in Ghana have already used this knowledge to mentor labs in Nigeria.

We are excited about the progress of this program and believe it holds potential for other areas around the world.

Here in the U.S., we are blessed with an abundance of waterways scattered across our landscape. However, in parts of the American West, we still face water shortages. These problems are typical to many other arid climates around the world. And as populations and industries expand, this problem is reaching more communities. Droughts also pose a serious threat.

We are working to get ahead of these issues and provide water security for generations to come.

Just last month, we announced that EPA will lead the development of a national Water Reuse Action Plan. From recycling treated wastewater to finding new applications for water produced from oil and gas extraction, there is innovative work happening across the water sector. We want to accelerate that work through coordinated federal leadership. Our Water Reuse Action Plan is the first initiative of this magnitude that is coordinated across the water sector.

The next dimension of our water challenges is protecting our oceans, bays, rivers, and watersheds. That brings me to the issue of marine litter, which has become a topic of global concern.

Before we dive into the specifics, we must provide some important context. Every year, an estimated 11 to 28 billion pounds of waste ends up in the ocean. And nearly 60 percent of it comes from six Asian nations. Most of the trash that ends up in the ocean originates on land. Approximately 80 percent of ocean trash comes from land-based sources, including plastics.

To be most effective, we must address the problem before it gets to our oceans. This means improving waste management and recycling. The U.S. is taking a leadership role in these areas.

At EPA, we held our first-ever Recycling Summit this past November. The summit brought together leaders from all levels of the recycling value chain to discuss ways we can strengthen the recycling industry and markets. We will reconvene the Summit this year and assess our progress.

I'm also proud to report that EPA and the U.S. Trade Representative led the U.S. negotiating team for the environmental chapter of the USMCA - the new NAFTA - which contains the most comprehensive set of enforceable environmental obligations of any trade agreement to date, including first-time provisions to address marine litter and debris.

One of EPA's key programs in this space is our Trash Free Waters program. We work directly with states, municipalities, and businesses to reduce litter, prevent trash from entering waterways, and capture trash that is already in our waters.

For example, we are directly supporting the instillation of trash traps in the Mobile Bay estuary. We also track and measure the effectiveness of other trash mitigation techniques and compile them in a compendium of Great Practices.

One of the more cost-effective solutions is a litter trap installed on a tributary to the Anacostia River, not far from here. One of the most innovative examples is the world's first-ever solar-powered trash water wheel, which was created and installed in Baltimore's Inner Harbor. Between May 2014 and June 2015, the Water Wheel collected 278 tons of trash.

We've taken what we've learned through the Trash Free Waters program and expanded it to communities in Central America, the Caribbean, and South America.

In Panama, we helped stakeholders install the country's first-ever trash boom to control the flow of trash in a highly polluted Panama City river before it reaches the ocean.

In Jamaica, we joined stakeholders together with Peace Corps Jamaica and the Sandals Foundation to improve solid waste management practices. As a result, we helped the Sandals Foundation establish a program for better waste collection and separation.

Similarly, we helped the government of Peru expand the number of communities that collect and separate recyclable materials. We also assisted local governments in identifying and removing waste "hotspots" in and around waterways.

Looking ahead, we will focus on expanding these efforts with our European and Japanese counterparts to the six Asian countries that contribute nearly 60 percent of the world's marine waste.

This summer, we are slated to finalize a new partnership with the State Department to help Sri Lanka improve its waste management. EPA will provide technical assistance to develop a comprehensive solid waste management program that will prevent land-based sources of trash from reaching the ocean. When I travel to the G7 in France and the G20 in Japan, I will make marine litter a top priority.

Let's move on to the third and final area: water infrastructure

The unfortunate reality is that many projects around the world never get off the ground due to a lack of funding - not a lack of ambition or necessity. Due to budget realities and the scale of our challenges, we've had to develop creative ways to finance these projects and modernize our nation's water infrastructure.

My Agency oversees the implementation of the Water Infrastructure Finance and Innovation Act (WIFIA), which established a federal credit program to accelerate investment in water infrastructure. We provide borrowers long-term, low-cost supplemental loans, which are not readily available in capital markets.

To date, we have issued seven loans through the WIFIA program totaling over \$1.8 billion dollars. Combined, these projects will help finance over \$3.8 billion dollars in infrastructure investments while creating over 6,000 jobs.

This is just the beginning. This past year, we invited an additional 39 projects across the nation to apply for WIFIA loans that would help finance over \$10 billion dollars in water infrastructure and create up to 183,000 jobs.

WIFIA could be the ideal model for other nations or international institutions, like the U.N., or the World Bank, to use to advance major water projects.

There are also examples of innovative financing for environmental projects in the private sector, such as Circulate Capital.

Nine large companies, including Proctor & Gamble, PepsiCo, 3M and Coca-Cola, have committed between five and ten million dollars each to provide no- and low-interest loans to cities and companies to build and scale recycling infrastructure and sustainable manufacturing technologies. They also launched an initiative to prevent marine litter. They aim to raise \$150 million dollars to fund waste infrastructure solutions in Southeast Asia. We are ready and willing to assist these efforts.

Across the government and across the globe, there is tremendous work being done. My hope today is to draw more attention to it and to bolster it. But my ultimate goal is to see us move from a patchwork of pilot projects to comprehensive solutions.

This will take time, but it can be done. The U.S. is living and breathing proof.

In less than a century, we transformed our rivers, bays, and oceans from dumping grounds to meccas of tourism and economic activity. And today, the science and systems behind our drinking water can - and should - serve as a model for other countries.

Millions around the world are suffering from a lack of clean water. I believe - as does President Trump - that they deserve our immediate attention.

It is our hope that we can elevate these issues to global priority and generate the urgency and unity needed to address them.

Thank you for your time, thank you for your attention, and I look forward to working with you to advance global water security.

.....

<!--[if !vml]--><image002.png><!--[endif]-->



U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004



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Message

From: Brian Phillips [Ex. 6 - Personal Email]
Sent: 5/29/2018 10:30:46 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re:

Ryan - sorry for the late reply. Today was kinda swamped with catch up. Will try you in about an hour and am available all night. Tomorrow will be fairly free too. Talk soon.

On Tue, May 29, 2018 at 1:10 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Brian, I wanted to reach you when you have a moment. [Ex. 6]

Ryan Jackson
Chief of Staff
U.S. EPA

[Ex. 6]

Message

From: Martin, Mary [Mary.Martin@mail.house.gov]
Sent: 3/20/2019 2:47:02 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: RE: EPA Administrator Wheeler's Wilson Center Remarks on Global Water Issues

Thanks, RJ!

From: Jackson, Ryan <jackson.ryan@epa.gov>
Sent: Wednesday, March 20, 2019 10:05 AM
To: Bloomquist, Mike <Mike.Bloomquist@mail.house.gov>; Russell, Richard (EPW) <Richard_Russell@epw.senate.gov>; Martin, Mary <Mary.Martin@mail.house.gov>; Emy_Lesofski@appro.senate.gov; Richmond, Kristin <Kristin.Richmond@mail.house.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>
Subject: FW: EPA Administrator Wheeler's Wilson Center Remarks on Global Water Issues

I wanted you to have a copy of Administrator Wheeler's remarks from this morning. This is an initiative which he plans to refer to consistently.

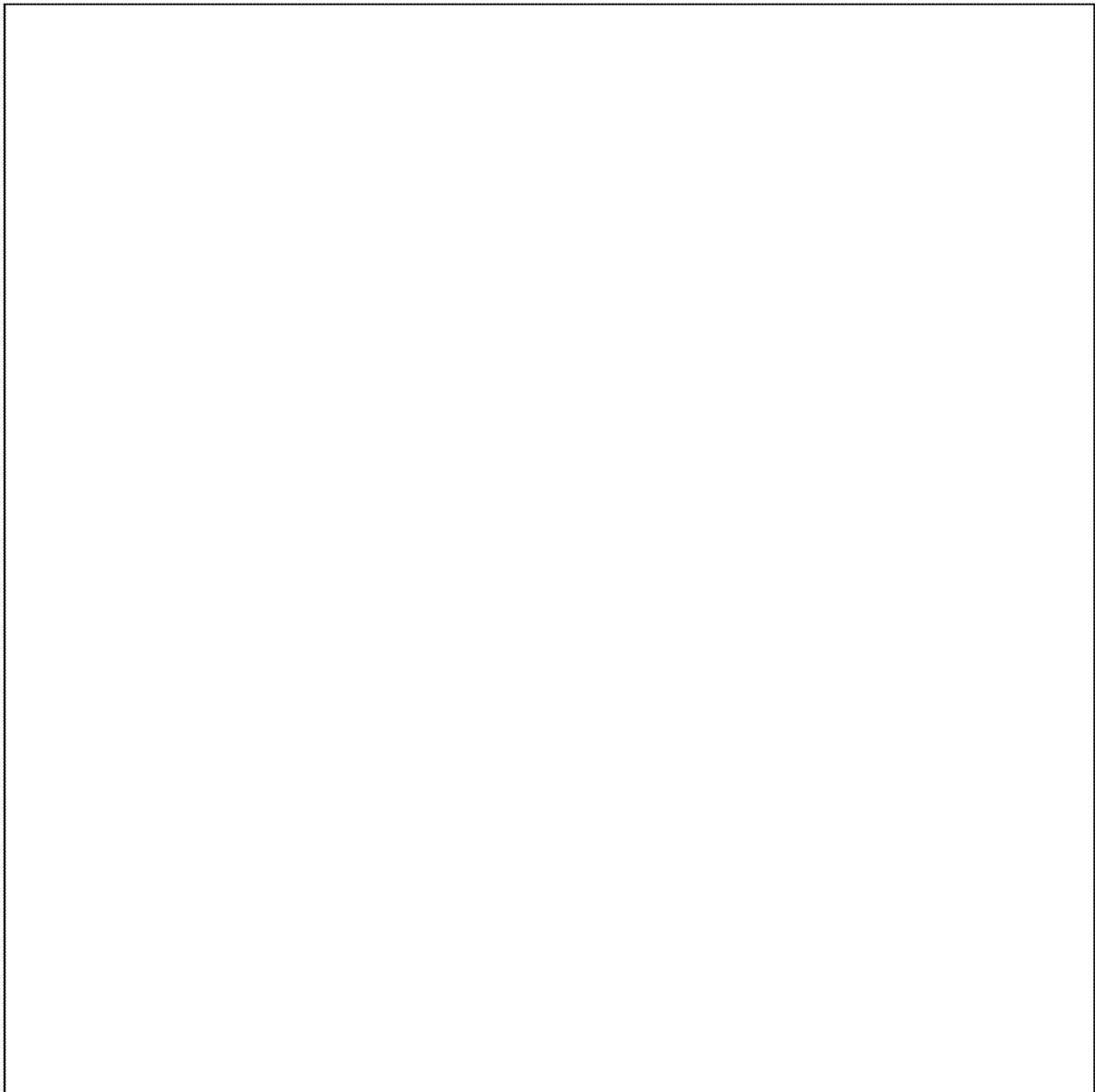
In particular we are drawing particular attention to this argument: "As Administrator of the U.S. EPA, I believe that water issues are the largest and most immediate environmental and public health issues affecting the world right now... Right now, up to 2.5 billion people around the world lack access to safe drinking water and, as a result, proper sanitation. This fact leads to anywhere from one to three million deaths every year. And those most likely to die from a lack of safe drinking water are young children. According to the United Nations, nearly a thousand children die every day due to preventable water and sanitation-related diseases."

We would be glad to provide additional background information on any stats of interest to you.

Thanks

Ryan.

From: EPA Press Office [mailto:press=epa.gov@cmail19.com] **On Behalf Of** EPA Press Office
Sent: Wednesday, March 20, 2019 8:50 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: EPA Administrator Wheeler's Wilson Center Remarks on Global Water Issues



EPA Administrator Wheeler's Wilson Center Remarks on Global Water Issues

As prepared for delivery:

Thank you, Mike, for the introduction.

Good morning. It's a pleasure to be with you today for this important event, and the timing couldn't be better with World Water Day on Friday.

It's a privilege to be here with so many distinguished speakers and guests. Thank you all for joining us.

I want to thank the Wilson Center for hosting us. And I want to recognize our colleagues at the State Department, USAID, and the U.S. Water Partnership for all the hard work that went into today's event.

As Administrator of the U.S. EPA, I believe that water issues are the largest and most immediate environmental and public health issues affecting the world right now.

By water issues, I mean, primarily, clean and safe drinking water, marine litter, and water infrastructure.

Right now, up to 2.5 billion people around the world lack access to safe drinking water and, as a result, proper sanitation. This fact leads to anywhere from one to three million deaths every year.

And those most likely to die from a lack of safe drinking water are young children. According to the United Nations, nearly a thousand children die every day due to preventable water and sanitation-related diseases.

On the marine litter issue, billions of pounds of waste enter our oceans each year, harming marine life and coastal economies.

On infrastructure, we estimate that more than \$700 billion dollars are needed to modernize U.S. water infrastructure over the next 20 years. Much of the world faces similar infrastructure challenges.

I am here today because I believe - and President Trump believes - that we must do more to address these issues.

There will be some who say this all stems from climate change.

But the truth is that water challenges have been around for generations and are causing immediate deaths annually.

Areas of the world have struggled with water availability for centuries, and these struggles are due to access, geography, infrastructure, and technology - or the lack thereof.

My frustration with the current dialogue around environmental issues is that water issues often take a backseat. It's time to change that.

We need to do something about the millions of people who die each year due to a lack of clean water and sanitation. We need to do something about marine debris. And I believe we can do this while still addressing other challenges that loom on the horizon.

As we speak, there are pilot projects around the world focused on water issues. We need to get past small pilot projects to solving the problem for everyone. We need to leverage our lessons learned, step up public and private investments, and provide more effective financing and technical assistance abroad.

That is what I hope to initiate here today - and then work together to accomplish in the months and years ahead.

Between the federal departments, NGOs, corporations, and international institutions represented here today, we have the resources, technology, and expertise that many nations so desperately need. But we need to raise public awareness and unite our efforts in a manner that is effective and will stand the test of time.

In November 2017, the U.S. published its first-ever Global Water Strategy for this very reason. The strategy lays out the U.S. government's four key objectives:

1. Access to clean and safe drinking water and sanitation services
2. Sound management and protection of freshwater resources
3. Cooperation on shared waterways
4. Strengthening water sector governance and financing

Of course, much of this work is a continuation of what we are already doing. The U.S. remains one of the world's largest donors in the water sector - investing in infrastructure, technology, private sector engagement, and innovative financial instruments to mobilize local capital.

We will continue to focus our efforts on countries and regions where needs and opportunities are greatest - and where U.S. engagement can best protect our national security interests. The difference is that we are elevating this work to address global water security to a new level under President Trump.

I will explain how within the three areas of immediate concern: drinking water, marine debris, and water infrastructure.

First, drinking water.

The foundation of water security is access to clean, reliable drinking water sources. Here in the U.S., we have made tremendous progress on this front.

In the 1970s, more than 40 percent of our nation's drinking water systems failed to meet even the most basic health standards. Today, over 92 percent of community water systems meet all health-based standards, all the time.

There are a variety of reasons for these gains. I'll mention two that are particularly relevant to today's discussion.

First, forward-thinking lawmakers and private businesses understood that investments in America's water infrastructure would pay dividends for decades to come.

Second, our laws and regulations protect our water resources while recognizing the vital role of states and the private sector.

Our federalist system is one of our strengths. Those closest to the situation are often best suited to address it. While Washington is often better suited to conduct research, establish standards, monitor progress, and intervene when the situation warrants. This approach has served us well, and we continue to see progress.

For example, EPA provides targeted grants and technical assistance to the U.S. territories of American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands. We work with our federal counterparts, utilities, and the Governors to monitor drinking water and oversee waste management.

Our multi-faceted, multi-layered approach is working. Between 2003 and 2017, the percentage of people in the U.S. Pacific islands receiving safe water increased from 39 percent to 82 percent. Health-based violations that were common fifteen years ago have become a rarity.

We are committed to sharing this type of progress with developing nations throughout the world.

For example, EPA and USAID joined forces to develop the Drinking Water Laboratory Capacity Building Program in West Africa. This program helps provide clean drinking water in urban areas by building the capacity of labs for sampling, analysis, and quality assurance. EPA provides the technical assistance and know-how, while USAID provides the funding and on-the-ground presence.

The project launched in Ghana and sparked a new focus on water quality across the country, including the development of a Quality Assurance Manual, which will improve water quality for over 500,000 consumers. This manual is now being used as a model for other labs in the region. And labs in Ghana have already used this knowledge to mentor labs in Nigeria.

We are excited about the progress of this program and believe it holds potential for other areas around the world.

Here in the U.S., we are blessed with an abundance of waterways scattered across our landscape. However, in parts of the American West, we still face water shortages. These problems are typical to many other arid climates around the world. And as populations and industries expand, this problem is reaching more communities. Droughts also pose a serious threat.

We are working to get ahead of these issues and provide water security for generations to come.

Just last month, we announced that EPA will lead the development of a national Water Reuse Action Plan. From recycling treated wastewater to finding new applications for water produced from oil and gas extraction, there is innovative work happening across the water sector. We want to accelerate that work through coordinated federal leadership. Our Water Reuse Action Plan is the first initiative of this magnitude that is coordinated across the water sector.

The next dimension of our water challenges is protecting our oceans, bays, rivers, and watersheds. That brings me to the issue of marine litter, which has become a topic of global concern.

Before we dive into the specifics, we must provide some important context. Every year, an estimated 11 to 28 billion pounds of waste ends up in the ocean. And nearly 60 percent of it comes from six Asian nations. Most of the trash that ends up in the ocean originates on land. Approximately 80 percent of ocean trash comes from land-based sources, including plastics.

To be most effective, we must address the problem before it gets to our oceans. This means improving waste management and recycling. The U.S. is taking a leadership role in these areas.

At EPA, we held our first-ever Recycling Summit this past November. The summit brought together leaders from all levels of the recycling value chain to discuss ways we can strengthen the recycling industry and markets. We will reconvene the Summit this year and assess our progress.

I'm also proud to report that EPA and the U.S. Trade Representative led the U.S. negotiating team for the environmental chapter of the USMCA - the new NAFTA - which contains the most comprehensive set of enforceable environmental obligations of any trade agreement to date, including first-time provisions to address marine litter and debris.

One of EPA's key programs in this space is our Trash Free Waters program. We work directly with states, municipalities, and businesses to reduce litter, prevent trash from entering waterways, and capture trash that is already in our waters.

For example, we are directly supporting the instillation of trash traps in the Mobile Bay estuary. We also track and measure the effectiveness of other trash mitigation techniques and compile them in a compendium of Great Practices.

One of the more cost-effective solutions is a litter trap installed on a tributary to the Anacostia River, not far from here. One of the most innovative examples is the world's

first-ever solar-powered trash water wheel, which was created and installed in Baltimore's Inner Harbor. Between May 2014 and June 2015, the Water Wheel collected 278 tons of trash.

We've taken what we've learned through the Trash Free Waters program and expanded it to communities in Central America, the Caribbean, and South America.

In Panama, we helped stakeholders install the country's first-ever trash boom to control the flow of trash in a highly polluted Panama City river before it reaches the ocean.

In Jamaica, we joined stakeholders together with Peace Corps Jamaica and the Sandals Foundation to improve solid waste management practices. As a result, we helped the Sandals Foundation establish a program for better waste collection and separation.

Similarly, we helped the government of Peru expand the number of communities that collect and separate recyclable materials. We also assisted local governments in identifying and removing waste "hotspots" in and around waterways.

Looking ahead, we will focus on expanding these efforts with our European and Japanese counterparts to the six Asian countries that contribute nearly 60 percent of the world's marine waste.

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Millions around the world are suffering from a lack of clean water. I believe - as does President Trump - that they deserve our immediate attention.

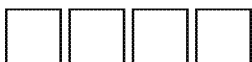
It is our hope that we can elevate these issues to global priority and generate the urgency and unity needed to address them.

Thank you for your time, thank you for your attention, and I look forward to working with you to advance global water security.

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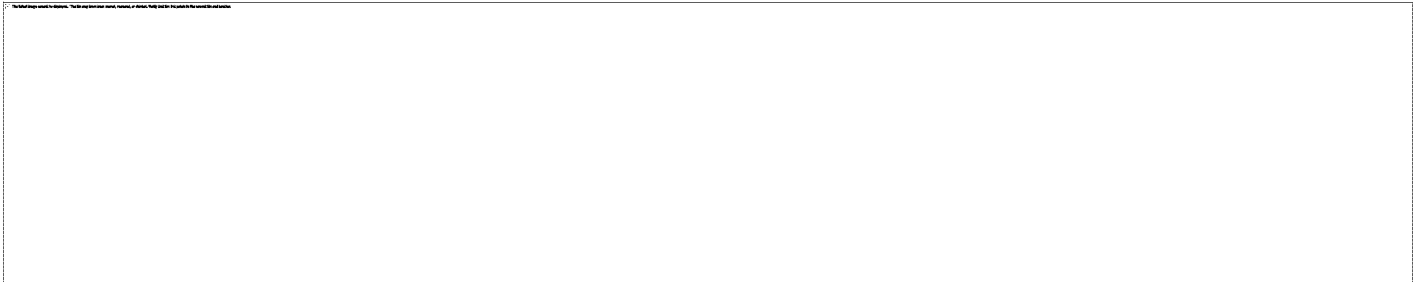
Message

From: Joanna Slaney [jslaney@edf.org]
Sent: 5/10/2018 4:44:29 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: RE: RELEASE: Carper Statement on EPA's Actions on Methylene Chloride

Thanks. I meant to send you ours, as well. Here's the [link](#).

From: Jackson, Ryan [mailto:jackson.ryan@epa.gov]
Sent: Thursday, May 10, 2018 11:40 AM
To: Joanna Slaney <jslaney@edf.org>
Subject: FW: RELEASE: Carper Statement on EPA's Actions on Methylene Chloride

From: Freedhoff, Michal (EPW) [mailto:Michal_Freedhoff@epw.senate.gov]
Sent: Thursday, May 10, 2018 11:37 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: FW: RELEASE: Carper Statement on EPA's Actions on Methylene Chloride



FOR RELEASE: May 10, 2018
CONTACT: [Christine Brennan](#) – (202) 224-8832

Carper Statement on EPA's Actions on Methylene Chloride

WASHINGTON, DC – Today, U.S. Senator Tom Carper (D-Del.), top Democrat on the Environment and Public Works (EPW) Committee, released the following statement regarding the Environmental Protection Agency's (EPA) announced upcoming actions on methylene chloride, a dangerous chemical found in paint strippers. Following the 2016 enactment of reforms to the Toxic Substances and Control Act (TSCA), EPA proposed bans on some uses of three chemicals under the new law, including methylene chloride. In January 2018, Senator Carper questioned Administrator Pruitt about the agency's delay in finalizing a ban on the deadly chemical that has killed dozens of people.

“The long overdue TSCA reforms that Congress passed in 2016 sought to protect millions of Americans from some of the most dangerous chemicals known to man. Too often, these chemicals were lurking in common household products that could easily be purchased at a local hardware store, including paint strippers that contain potentially lethal methylene chloride. Passing the law was a historic step, but the new law is only useful if the agency responsible for enforcing it is doing so diligently.

“Today’s announcement that EPA intends to finalize a ban on methylene chloride – a chemical so dangerous that it has killed dozens of people even when they were wearing protective gear – is welcome news, especially after the agency previously delayed finalization of this proposed ban indefinitely. I am also encouraged that the agency is relying on previous risk assessments that clearly and scientifically showed just how threatening products containing methylene chloride could be to people’s health and safety. However, just like a law doesn’t mean much if it is not enforced, intentions to finalize a ban on a deadly chemical don’t mean much if that chemical stays on the shelves.

“While today’s news is a positive sign that EPA is moving in the right direction, I would urge the agency to work expeditiously to finalize and implement a ban on methylene chloride in order to get dangerous products off the market once and for all.”

###

This e-mail and any attachments may contain confidential and privileged information. If you are not the intended recipient, please notify the sender immediately by return e-mail, delete this e-mail and destroy any copies. Any dissemination or use of this information by a person other than the intended recipient is unauthorized and may be illegal.

Message

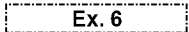
From: Holland, Luke (Inhofe) [Luke_Holland@inhofe.senate.gov]
Sent: 5/29/2018 3:58:37 AM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Price, Wendi (Inhofe) [Wendi_Price@inhofe.senate.gov]
Subject: Re:

Yea. That'd be fun

Sent from my iPhone

> On May 28, 2018, at 5:31 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

>
> You think Jim would want to meet us for lunch or dinner so he can give it to him?

>
>
>
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>
>
>
>
> Ryan Jackson
> Chief of Staff
> U.S. EPA
>  Ex. 6
>

>> On May 28, 2018, at 10:27 AM, Holland, Luke (Inhofe) <Luke_Holland@inhofe.senate.gov> wrote:

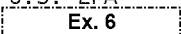
>>
>> Yea. We also got Andy the vote ticker.

>>
>> Sent from my iPhone

>>> On May 28, 2018, at 4:53 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

>>>
>>> Could I get one of these for Holly Greaves and Andy?

>>>
>>> <IMG_0040.JPG>

>>>
>>>
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>>> Ryan Jackson
>>> Chief of Staff
>>> U.S. EPA
>>>  Ex. 6
>>>

>

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 4/5/2019 10:26:59 AM
To: Lesofski, Emy (Appropriations) [Emy_Lesofski@appro.senate.gov]
CC: Agnew, Lucas (Appropriations) [Lucas_Agnew@appro.senate.gov]; Lyons, Troy [lyons.troy@epa.gov]
Subject: Re: RE:

Well it's just the other issues require state actions and SIPS and getting them approved but this issue is just ridiculous.

And to have to wait any length of time to get it resolved is crazy because the lengths that NMFS goes to to argue worries on sea lions not hunting anymore and other arguments unless fish guts are pureed has been the heights of being jerked around by disconnected bureaucrats.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

> On Apr 4, 2019, at 10:26 PM, Lesofski, Emy (Appropriations) <Emy_Lesofski@appro.senate.gov> wrote:
>
> Hi, Ryan, sorry for the delay. We're chasing down good information on the onshore issue. We're more dialed in on offshore issue and are very grateful for all of your help. We'll be in touch.
> Thanks,
> Emy.
>
>> On Apr 3, 2019, at 2:40 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:
>>
>> All, actually the rule referenced this morning as coming out in April has already been proposed per my last email. However, I was unaware of an on shore permitting problem. Can I get a quick description of that to ensure we are addressing it?
>>
>> -----Original Message-----
>> From: Jackson, Ryan
>> Sent: Thursday, March 28, 2019 12:27 PM
>> To: 'Lesofski, Emy (Appropriations)' <Emy_Lesofski@appro.senate.gov>; 'lucas_agnew@appro.senate.gov' <lucas_agnew@appro.senate.gov>
>> Cc: Lyons, Troy <lyons.troy@epa.gov>
>> Subject: RE:
>>
>> In short, consistent with the FY18 Omnibus recommending that EPA exempt vessels from the fish grinding requirement and consistent with what Senator Murkowski as been asking for, for the last two years I've worked here, our EPA Region 10 has finished ESA consultation with both the National Marine Fisheries Service and the Fish and Wildlife Service regarding Endangered Species Act obligations. In full disclosure, NMFS has indicated they do not concur with a not likely to adversely affect determination so there's two parts to the new permit. EPA published a draft general permit for public review on March 25, 2019, with a 45-day public comment period. The comment period closes on May 9, 2019. The draft permit will allow for discharge of fish processing waste without grinding for all vessels outside of Steller Sea Lion critical habitat areas. Within Steller Sea Lion critical habitat, grinding is proposed for large processing vessels that discharge more than 10 million pounds per annual reporting year. The greater than 10 million pounds per year discharge level will exempt the small- to medium-sized vessels and, in particular, the freezer long-liner vessels, from the grinding requirement in all waters, including within the Steller Sea Lion critical habitat. We anticipate continued discussions with NMFS, but also anticipate finalizing this permit following the comment period.
>>
>> -----Original Message-----
>> From: Lesofski, Emy (Appropriations) <Emy_Lesofski@appro.senate.gov>
>> Sent: Tuesday, March 26, 2019 12:21 PM
>> To: Jackson, Ryan <jackson.ryan@epa.gov>
>> Cc: Lyons, Troy <lyons.troy@epa.gov>
>> Subject: RE:
>>
>> Thanks, Ryan--I appreciate it a ton! And, more specifics would be great.

>>
>> Hope you are well!
>> Emy.
>>
>> -----Original Message-----
>> From: Jackson, Ryan <jackson.ryan@epa.gov>
>> Sent: Tuesday, March 26, 2019 12:17 PM
>> To: Lesofski, Emy (Appropriations) <Emy_Lesofski@appro.senate.gov>
>> Cc: Lyons, Troy <lyons.troy@epa.gov>
>> Subject:
>>
>> Emy, I wanted to ensure you were aware that EPA and NOAA placed a notice in the federal register
yesterday taking comment on excluding fish grinding requirements. I have more specifics which I can
forward in an attachment.
>>
>> Literally, for EPA I apologize this has been so delayed over such matters.
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>> Ryan Jackson
>> Chief of Staff
>> U.S. EPA
>>

Ex. 6

>>

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 9/24/2018 2:26:41 PM
To: richard_russell@epw.senate.gov; matt_leggett@epw.senate.gov
Subject: Fwd: OGE sent its letter to the Senate this morning
Attachments: Dunn, Alexandra Dapolito final senateltr2.pdf; ATT00001.htm

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

Begin forwarded message:

From: "Fugh, Justina" <Fugh.Justina@epa.gov>
Date: September 24, 2018 at 9:31:09 AM EDT
To: "Jackson, Ryan" <jackson.ryan@epa.gov>, "Lyons, Troy" <lyons.troy@epa.gov>
Cc: "Dunn, Alexandra" <dunn.alexandra@epa.gov>
Subject: OGE sent its letter to the Senate this morning

See attached.

Justina Fugh | Director, Ethics Law Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

UNITED STATES OFFICE OF
GOVERNMENT ETHICS



September 21, 2018

The Honorable John Barrasso
Chairman
Committee on Environment and
Public Works
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Alexandra Dapolito Dunn, who has been nominated by President Trump for the position of Assistant Administrator, Office of Chemical Safety and Pollution Prevention, Environmental Protection Agency.

We have reviewed the report and have obtained advice from the agency concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is an ethics agreement outlining the actions that the nominee will undertake to avoid conflicts of interest. Unless a date for compliance is indicated in the ethics agreement, the nominee must fully comply within three months of confirmation with any action specified in the ethics agreement.

Based thereon, we believe that this nominee is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

PRESS BEFORE SIGNING

DAVID APOL

David J. Apol
General Counsel

Digitally signed by DAVID
APOL
Date: 2018.09.21 16:41:31
-04'00'

Enclosures



Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 9/28/2018 1:38:42 PM
To: mjoselow@eenews.net; sreilly@eenews.net
CC: Konkus, John [konkus.john@epa.gov]
Subject: Newest mural
Attachments: WLWFifth Floor.jpg

We liked your graphic so much that we are looking to redecorate the 5th floor.

Thanks.

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency

Ex. 6



From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 10/2/2018 2:19:47 PM
To: luke_holland@inchofe.senate.gov; jennie_wright@inchofe.senate.gov; amanda_hall@inchofe.senate.gov

WSJ: A New Cost-Benefit Regulation Test

<https://www.wsj.com/articles/a-new-cost-benefit-regulation-test-1538436507>

By The Editorial Board- Oct. 1, 2018 7:28 p.m. ET

The Trump EPA wants to stop the agency's 'co-benefits' trick.

The Obama Environmental Protection Agency forced dozens of coal plants into premature retirement with its mercury rule that was belatedly struck down by the Supreme Court. While those plants can't be restored, the Trump EPA is at long last reinstating more rigorous cost-benefit analysis to its rule-making.

As is its wont, the Obama EPA bent the law to its political agenda by mandating in 2012 that coal plants apply stringent mercury emissions controls. Section 112 of the Clean Air Act provides that the EPA may regulate "hazardous air pollutants" such as mercury from power plants "if the Administrator finds such a regulation is appropriate and necessary."

But EPA failed to consider the cost of regulating mercury to determine whether doing so would be appropriate. EPA estimated that its mercury rule would cost consumers and the electric industry \$9.6 billion annually—among the most expensive rules in the Federal Register—only after finalizing regulations.

The agency also calculated that the mercury rule would yield only \$4 million to \$6 million annually in direct benefits. But the agency puffed up the figures to \$37 billion to \$90 billion by claiming "co-benefits" from cutting emissions of particulate matter and sulfur dioxide, which are not regulated under Section 112's "hazardous air pollutants" program.

In *Michigan v. EPA* (2015), Justice Antonin Scalia concluded that it is not "even rational, never mind 'appropriate,' to impose billions of dollars in economic costs in return for a few dollars in health or environmental benefits." He added that "even if the Agency could have considered ancillary benefits when deciding whether regulation is appropriate and necessary—a point we need not address—it plainly did not do so" until later.

The Court's decision was moot since most utilities had already decided to close or spend hundreds of millions of dollars to refurbish coal plants to comply. Amid plunging natural gas prices, the cost of emissions controls has rendered coal less competitive. Loath to admit legal defeat, the Obama EPA in 2016 reaffirmed the rule with some modest technical changes and asserted that regulating mercury was "appropriate" based on its rigged cost-benefit analysis.

Enter the Trump EPA, which is now redoing the mercury rule and reviewing how the agency calculates co-benefits. Utilities have told the agency not to bother since \$18 billion has already been spent to comply with the rule, and it's too late to restore decommissioned plants. They

appear worried that state regulators will forbid them from billing customers for the “compliance costs” if the rule is rolled back.

But as utilities noted in a letter this summer to EPA, public utility commissions “still are in the process of reviewing the cost of these controls for inclusion in rates.” This means utilities could plead their case to regulators. And EPA’s cost-benefit shenanigans deserve to be exposed and corrected in any case.

During both the Bush and Obama Administrations, the EPA used “co-benefits” to justify costly rules, many of which otherwise wouldn’t pass a basic cost-benefit test. This has appeared to cause co-benefits to be double- or even triple-counted in rule-makings.

Cost-benefit analyses are intended to help agencies prioritize and rationalize regulation, but including puffed up co-benefits negates this purpose and is neither rational nor appropriate.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 9/28/2018 2:42:57 AM
To: Alex Guillen [aguillen@politico.com]
Subject: Re: Re-orgs

How many PBs have these staff lived through? Year in and year out. That's disingenuous of them. You know that.

We are in the process of shaping a great EPA. Republicans care that operations work well and are lasting. That's what we are doing.

I can get with you more tomorrow.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

On Sep 27, 2018, at 7:26 PM, Alex Guillen <aguillen@politico.com> wrote:

Thanks for the detailed response, I appreciate it. Is any of it useable? We're running a section in ME on this that contains the official statement from ORD/the press shop, but what you say here provides some more insights into what's going on.

A few follow-up questions.

Your point about people being set in their ways is well taken, we're all prone to that. But one thing we've heard even from folks who think these re-orgs are good overall is that they're wary because this administration wants to significantly cut the agency's budget and shrink the workforce. That leads to many people worrying that these changes are another way to pursue that agenda. Do you want to say anything that would assure them these changes don't mean job losses or silencing of experts?

Similarly, we are hearing folks worried that the science adviser change signals a sidelining of science since it comes amid the science transparency rulemaking, advisory board membership changes and changes to the grant process. Can you comment on what this OSA change does or doesn't signal about the importance of science to EPA leadership?

On the OARM-OEI merger, you mentioned many state counterparts handle their budgets as well. Are there plans to merge those two offices with Holly Greaves' CFO office? And is the new office actually called the Office of Mission Support or was that just you describing it?

What's going on with the Office of Children's Health Protection? A regional reorganization plan we saw last week showed regional children's health coordinators being eliminated. And nobody seems to know why Ruth Etzel was placed on leave. Is it similar to what happened with Joel Scheraga's climate

adaptation team, where the specific office is being dissolved and the employees moved elsewhere but still working on similar issues? Or is OCHP staying as is and getting a new boss?

For longer term, I would love to speak to Henry Darwin about all this — this stuff is his specialty. Besides, there's at least two more years for you guys to improve operations, there must be more in the pipeline. I know he's got a lot on his plate these days but this is all still his purview.

From: Jackson, Ryan <jackson.ryan@epa.gov>
Sent: Thursday, September 27, 2018 6:32 PM
To: Alex Guillen <aguillen@politico.com>
Subject: RE: Re-orgs

So the explanation on the ORD work is: EPA's Office of Research and Development career leadership developed a plan to combine offices with similar functions in order to reduce redundancies in ORD operations. ORD is now in the process of briefing the Administrator on those plans and held a town hall in September to announce the result of their work and proposed plan to staff. One of the suggestions was combining the Office of Science Advisor with the Office of Science Policy, currently two separate offices within the ORD structure. The fact of the matter is that the Senate confirmed Assistant Administrator for ORD has customarily served as the EPA Science Advisor which will continue to be the case.

That's simply it. On the OARM and OEI, every state DEQ or DEP in the country not only has IT and HR and resources management in the same office, they usually include budget and other responsibilities too. We are consolidating to a new office of mission support to provide support in one office for the agency. I can provide our career HR and IT heads to provide more career perspective on this if you'd like. This is the first we are being asked about it.

Finally, the regional plans are well overdue. The regional offices in no way reflect each other or HQ. The public needs to know where to go for resources, information, and EPA services. Programs are not being eliminated, but a common organization helps internally and externally and modernizes how we do our jobs and approach the situations we need to work on. Simply doing things the way they have always been done programmatically is not a good reason to continue to do it that way. I am happy to respond to direct questions about it, but how it silos engineers from enforcement lawyers makes no sense, isn't part of any plan, and in any organization there are always people or simply want to do things the way it's always been done. There are also a number of people in any federal agency who want to work on whatever they want to work on regardless of its relevance to the rest of the agency because it's their fiefdom. We aren't interested in that.

So, I can help put you in contact with the best people here to answer your questions. We have an incredible team here. Where would you like to start?

From: Alex Guillen [<mailto:aguillen@politico.com>]
Sent: Thursday, September 27, 2018 6:05 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: Re-orgs

There's the proposal to merge the Office of Science Advisor into ORD; the proposal to merge the Office of Administration and Resources Management and the Office of Environmental Information; and the recent re-org plan for all the regional offices. On that last one, I've heard concerns from employees that

it could silo engineering and scientific experts away from enforcement lawyers, making it more difficult to coordinate work. That's at least three re-organization plans.

From: Jackson, Ryan <jackson.ryan@epa.gov>
Sent: Thursday, September 27, 2018 5:53 PM
To: Alex Guillen <aguillen@politico.com>
Subject: Re: Re-orgs

What are all the reorgs you speak of?

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

On Sep 27, 2018, at 4:50 PM, Alex Guillen <aguillen@politico.com> wrote:

Hi Ryan,

Are you available to talk tonight or tomorrow about all these re-org plans, even off the record? There's a lot of confusion and panicking among employees both about their jobs and that this is going to silence or handcuff their work.

Thanks,

Alex Guillen | Energy Reporter | **POLITICOPRO**
1000 Wilson Boulevard, 8th Floor | Arlington, VA 22209

Ex. 6

Email: aguillen@politico.com | Twitter: [@alexcguillen](https://twitter.com/alexcguillen) | Website: www.POLITICOPRO.com

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 9/27/2018 7:41:12 PM
To: Repko, Mary Frances (EPW) [mary_frances_repko@epw.senate.gov]
CC: Freedhoff, Michal (EPW) [Michal_Freedhoff@epw.senate.gov]; Lyons, Troy [lyons.troy@epa.gov]
Subject: RE: Chad McIntosh
Attachments: Response to Senator Carper about OITA operations 092718.pdf

I expect to have revisions to the letter from OW very soon.

From: Repko, Mary Frances (EPW) [mailto:mary_frances_repko@epw.senate.gov]
Sent: Wednesday, September 26, 2018 2:01 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: Re: Chad McIntosh

Thanks RJ,

We appreciate your work on this.

-MF

Mary Frances Repko
Minority Staff Director
U.S. Senate Committee on Environment and Public Works

On Sep 26, 2018, at 2:00 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Got it. All over this. Thanks for the response.

From: Freedhoff, Michal (EPW) [mailto:Michal_Freedhoff@epw.senate.gov]
Sent: Wednesday, September 26, 2018 1:40 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Repko, Mary Frances (EPW) <mary_frances_repko@epw.senate.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov>
Subject: RE: Chad McIntosh

Ryan:

Thanks very much for this. Here is what we think we need to resolve this and move forward.

1. A letter committing to do the following:
 - a. Annual tribal consultations in each region
 - b. Participation in annual tribal meetings such as the National Congress of American Indians annual conference
 - c. Hire a Native American special advisor
2. The draft letter on drinking water technical assistance you sent is helpful, but as drafted, does not address Congress's underlying concern, which is that the technical assistance is not being

provided in the manner viewed by the states to be the most helpful (which is onsite rather than more remote webinars etc). Could information be added to the letter that includes:

- a. Where and in what format is onsite technical assistance/onsite technicians/circuit riders being provided?
- b. The letter states that EPA understand the challenges small systems face and goes on to say that it considered input from communities on the type of assistance that would be most effective.
 - i. When, how and from who was this input collected?
 - ii. What did these participants indicate in terms of what type of assistance is preferred?
- c. How will EPA make sure providing onsite technical assistance is a priority for the awardees of the grants?

Thanks again

Michal

Michal Ilana Freedhoff, Ph.D.
Director of Oversight
Committee on Environment and Public Works Democratic Staff

From: Jackson, Ryan <jackson.ryan@epa.gov>
Sent: Wednesday, September 19, 2018 8:23 AM
To: Repko, Mary Frances (EPW) <mary_frances_repko@epw.senate.gov>; Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>
Subject: Chad McIntosh

Good morning from Halifax where part of the G7's focus is on marine litter. Administrator Wheeler will cite to a number of things the US is doing to address that but will reference the Save Our Seas Act as an upcoming new step in that work. We'll highlight his remarks on social media too for the Committee and Senators Whitehouse and Sullivan.

So last we spoke, we discussed pathways ahead to confirm Peter Wright and Chad McIntosh. Taking it one step at a time, the items we discussed for Chad were addressing the Senators' letter concerning the implementation of the S. 611, the Grassroots Rural and Small Community Water Systems Assistance Act, now Public Law 114-98, authored by Senators Wicker and Cardin, Chad's plan to meet with tribes, and the status of STAG grants and funding for tribes.

- Attached is a DRAFT version of a response to the Senators concerning the implementation of the Grassroots legislation outlining how grants were awarded with an emphasis on on-site technical assistance and circuit riders as referenced in the legislation. It is draft because I want to ensure I'm outlining everything done to date, the amounts awarded and to what organization, and see if this answers questions about its implementation.
- Attached is also a historical breakdown of grants awarded to states and tribes including grants awarded to states and tribes to date this year. This information is from OARM's Office of Grants and Debarment current as of last week.
- Finally, we talked about Chad's commitment to meet with tribes. He fully expects to fulfill that role. Before joining EPA and upon retiring from Ford,

Ex. 6
Ex. 6

Ex. 6

However, when he returns would a letter from him to Senator Carper describing his plan if confirmed suffice? I can get that, but it may take another couple of weeks I think.

Those were the three elements that I believed were necessary to get Chad hotlined through the Democratic cloakroom and on an upcoming list of nominees which could be confirmed by consent. Of course, Chad has already been hotlined through the Republican cloakroom.

Will you review the attached and let me know if adding a letter from Chad to Senator Carper about his outreach to tribes if confirmed works to get him hotlined and confirmed by consent?

Thanks,

Ryan.

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency

Ex. 6



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

The Honorable John Barrasso
The Honorable Thomas R. Carper
The United States Senate
Washington, DC 20510

Dear Senator Barrasso and Senator Carper:

I am honored and humbled by your consideration of my nomination for Assistant Administrator of the Office of International and Tribal Affairs at the Environmental Protection Agency (EPA). I would like to present to you my plan for reaching out to and engaging with the Tribal Nations should I be confirmed.

The Office of International and Tribal Affairs (OITA) plays a crucial role in protecting human health and the environment in Indian country. EPA's Policy for the Administration of Environmental Programs on Indian Reservations (1984 EPA Indian Policy) provides the framework for EPA's relationship with federally recognized Indian tribes (tribes) and identifies the mechanisms EPA will use to implement environmental programs in Indian country under federal environmental laws. Within this framework, I will focus on the following three areas.

EPA Direct Implementation: Unless and until a tribal government has assumed full responsibility for a delegable federal environmental program, it is the EPA's responsibility to implement the program in Indian country. This is a very serious and special responsibility. Most tribes do not have the resources to carry out these programs that protect their health and the environment. The states, with all of their resources, largely carry out these responsibilities for the rest of the United States. I will work collaboratively to with EPA's offices, regions and the tribes to implement these important programs.

Tribal Capacity Building: EPA provides financial and technical assistance to tribes to establish environmental program capacity. OITA coordinates across EPA's national programs to ensure effective delivery of EPA tribal capacity building programs. OITA also administers the largest of these EPA programs, the Indian Environmental General Assistance Program (GAP), which more than 500 federally-recognized tribes rely on to improve environmental outcomes for their communities. As the lead for GAP, I will work collaboratively with EPA's offices and regions to

support strong national program management practices to produce compelling results that align with EPA's statutory authorities and support tribal management of environmental programs.

Tribal Consultation: EPA's Policy on Consultation and Coordination with Indian Tribes (Consultation Policy) has greatly increased the transparency of EPA's work in Indian country and provided valuable information and insight for the tribes into EPA activities and decisions that affect them. If confirmed, I will commit to continue improving the effectiveness with which the Consultation Policy is administered across EPA regions and headquarters offices.

If confirmed, I will commit to working directly with the National Tribal Caucus (NTC), a national body of tribal advisors who focus primarily on identifying and addressing national, cross-media and emerging tribal environmental issues. I will commit to meeting with the NTC on at least an annual basis. In practice, discussions will likely occur on a monthly basis. I will commit to meeting with the entire National Tribal Operations Committee on an annual basis.

In addition to regular discussions with the NTC, if confirmed, I also look forward to the opportunity to engage often and effectively with tribal representatives from across the country, such as the Governor of the Pueblo of Santa Clara and Tribal Council, representatives of the Nez Perce Tribe, and tribal organizations and associations, such as the Alaska Native Village Cooperation Association. In addition, I commit to meeting with each of the Regional Tribal Operations Committee (RTOC) at least on an annual basis with my EPA regional counterparts, and commit to participating in key tribal meetings such as the National Congress of American Indians Annual Convention.

Should I be confirmed, I will enhance the strength of Tribal representation within EPA by hiring a member of a federally recognized tribe to be the Director of the American Indian Environmental Office within the Office of International and Tribal Affairs.

Thank you again for the opportunity to discuss my proposed areas of focus and engagements if confirmed as the Assistant Administrator for the Office of International and Tribal Affairs. I believe it of utmost importance for the Office of International and Tribal Affairs to be a strong voice for the environmental interests of the Tribes. I am looking forward to working government-to-government with our tribal partners in protecting the environment and public health in Indian country.

Sincerely,

A handwritten signature in dark ink, appearing to read "W.C. McIntosh, P.E., Esq." with a stylized flourish at the end.

W.C. McIntosh
Senior Counsel to the Administrator

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 9/23/2018 9:35:42 PM
To: Holland, Luke (Inhofe) [Luke_Holland@inhofe.senate.gov]; jennie_wright@inhofe.senate.gov; amanda_hall@inhofe.senate.gov
Subject: Wednesday's hearing at EPW
Attachments: G7 Innovation Challenge_FINAL.PDF

So you know if you plan to attend. This was Wheeler's first international meeting and one of the results was US participation in the innovation challenge. Of course, there were other competing agreements pushed by other countries including the host country, Canada. One particular agreement both Japan and the US could not agree to joining. But the attached was agreed to by all countries after a negotiation on the language and is something this ACC, TNC, and the Oceans Conservancy are participating in and making a priority for their organizations.

From: Jackson, Ryan
Sent: Sunday, September 23, 2018 5:32 PM
To: 'Russell, Richard (EPW)' <Richard_Russell@epw.senate.gov>; Lyons, Troy <lyons.troy@epa.gov>; Palich, Christian <palich.christian@epa.gov>
Subject: Wednesday's hearing at EPW

Administrator Wheeler just returned from the environmental minister's G7 in Halifax, Nova Scotia where the US left supporting the negotiated and attached innovation challenge. The EPA invited ACC, TNC, and the Oceans Conservancy to participate with us and contribute to the innovation challenge. Representatives of each organization attended, participated, and met with Wheeler during the trip. Wheeler also took the opportunity in the general session to mention a number of ways the US and US industry and NGOs are working to address marine litter including new focus specifically from the Save Our Seas Act by Senators Sullivan and Whitehouse making its way through Congress presently.

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency

Ex. 6



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G7 INNOVATION CHALLENGE TO ADDRESS MARINE PLASTIC LITTER

Plastics are one of the most revolutionary inventions of the past century and play an important role in our economy and daily lives. They are used in almost everything from cars, appliances and construction to packaging and food services, because they are low cost, durable and versatile. This Challenge provides an opportunity to spur innovation while promoting both environmental well-being and economic prosperity. The Challenge will also help retain the significant value, resources and energy lost in plastic waste, as well as minimize threats to the environment.

All countries face difficulties in addressing marine plastic pollution. G7 members are well positioned to share their expertise and promote innovations that can be used elsewhere, including among countries that are large sources of marine plastic litter. This G7 challenge is designed to stimulate innovations, raise awareness of how to address marine plastic litter or facilitate much needed improvements to the management of plastic, especially plastic waste, in developing countries. Scalable solutions are needed to foster a more sustainable use of plastic products and reduce plastic waste and marine plastic pollution including technological and social innovations in plastics design and production, use, reuse, as well as management of plastic waste.

G7 members are part of a larger global community committed to addressing marine plastic pollution. We acknowledge the essential role that the private sector, innovators and entrepreneurs play in developing innovative alternatives and solutions for increasing resource efficiency and circular economy in the use of plastics and plastic products by using their expertise, knowledge, and relationships.

'Innovation challenges' are a recognized and effective mechanism by which solutions can be developed and implemented in an economically viable way, as well be responsive to countries' needs and target recipients.

While respecting each participating member's expertise and reflecting national priorities, G7 members commit to undertake international and/or domestic initiatives, individually or jointly, in support of a common objective to promote innovation in addressing marine plastic pollution by managing plastics more sustainably throughout the whole life-cycle. G7 plastic initiatives will respond to varied individual country needs accordingly. For example, domestic initiatives could focus on plastic design or recycling questions in accordance with national needs, while international efforts could respond to the need for support in improving waste management systems or creation of secondary markets. G7 members commit to sharing information their activities in support of this Challenge through the G7 Alliance on Resource Efficiency.

In implementing the Challenge, G7 initiatives will aim to:

- Leverage, build on, and complement existing initiatives throughout the plastics lifecycle.
- Leverage the strength of a diversity of expertise, including entrepreneurs, innovators, small to medium enterprises, researchers, not for profit organizations, and/or large multi-national companies.
- Support gender equality, women's empowerment and women's leadership.



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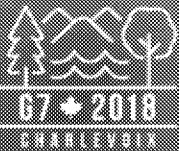
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- Encourage innovative solutions that are sustainable, feasible, lasting, economically viable, and scalable (scaling up of an existing initiative; or developing new initiatives that can be scaled up through mechanisms such as blended finance) as well as reflect local and regional circumstances and gender dimensions.
- Develop and maximize effective relationships by leveraging implementation mechanisms including international financial institutions such as the World Bank, Inter-American Development Bank, and Asian Development Bank, as well as pursuing alternative approaches including philanthropic foundations.

The overall objective of the Challenge is to incentivize the development of innovative social or technological solutions for a more sustainable management of plastics throughout their lifecycle in order to increase resource efficiency and to reduce marine plastic pollution including by finding innovative ways to enhance waste management of plastics that may become marine litter. More specific objectives to encourage innovation could include:

- Product Design and Waste Prevention:
 - Developing new product designs and management processes to increase resource efficiency and the durability, reusability and recyclability of plastic products, in particular those that are not currently recycled.
 - Supporting technologies for repair, refurbishment and remanufacturing of plastic products.
 - Developing processes to incorporate recycled content in local manufacturing processes and products to create markets for collected and recycled materials.
 - Developing and using more sustainable plastics and environmentally sound alternatives within a context of science-based and lifecycle decision-making and in consideration of environment, social and economic factors. For those G7 Members that choose to do so, single-use plastics may be an area of focus.
 - Developing solutions that reduce microplastics in products and reduce by design, to the extent possible, unintentional release of microplastics by wear and tear of products during their use.
 - Improving production processes to minimize loss of plastic materials, including pellets and maximize resource efficiency in the use of the materials.
- Waste and Wastewater Management and Clean-up:
 - Supporting major source countries to manage waste (e.g. collection, sorting, treatment, recovery, refurbishment and recycling, disposal, infrastructure, legal frameworks) in a manner that is cost-effective and transferable in order to prevent plastics from entering the environment.
 - Developing new cost-effective technologies and infrastructure to collect, recycle and treat plastic waste, including mobile and small scale technologies.
 - Promoting technologies to improve collection and facilitate recycling or recovery of single-use plastics.
 - Using technology to make it easier for remote and small island developing states to prevent and manage plastic waste.
 - Developing new and utilizing existing technologies and processes to prevent plastic litter and microplastics entering water bodies through improved storm water and waste water management, effectively cleaning-up marine plastic litter from waterways and shorelines in an environmentally sound manner.



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- Strengthening measures to prevent plastics entering the sea from fishing (including ghost gear) and shipping, and to ensure adequate reception facilities in ports to collect and manage the waste from ships and facility users (including passively fished waste and old/derelict fishing gear).
- Creating new technologies and processes or improving existing technology to recycle mixed plastic wastes.
- Developing cost-effective processes to reduce contamination during the collection and recycling process.
- Markets, education and awareness:
 - Developing business models and approaches to establishing new markets and value for used and recycled plastics to achieve environmental, social and economic benefits, including supporting local entrepreneurs in major marine plastics source countries.
 - Supporting the development of markets for recycled plastics through greater use of secondary plastics into finished products.
 - Creating innovative partnerships along the plastic value-chain to reduce plastic waste and plastic pellets losses.
 - Supporting community-based approaches to changing behaviours towards reducing, reusing plastics, or recycling plastic wastes.
 - Supporting plastic waste mitigation approaches through socially innovative solutions (e.g. education, innovative alliances, relationships, connectors, enabling conditions, etc.).
 - Supporting local and indigenous solutions and initiatives of women and youth, that can be leveraged to support plastic waste mitigation approaches.
 - Forging public-private partnerships to improve plastic waste management in major marine plastics source countries.
 - Developing, harmonizing, and sharing methodologies for monitoring and assessing marine litter and microplastics, including their amount and distribution, as well as related environmental and human health impacts.

Examples of Implementation Mechanisms

- Public-private partnerships (domestic and international).
- Domestic mechanisms within each G7 member.
- Multilateral organizations efforts such as World Bank Problue – new umbrella multi-donor trust fund in support of the Bank's Global Blue Economy Strategy through consultations with their governing bodies.
- Third party organizations –external private organizations who leads leveraged, incentivized prize competitions with ambitious goals, that target market failures, that can be won by small groups and ultimately that is achievable.

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 9/27/2018 7:35:17 PM
To: Ari Natter [anatter5@bloomberg.net]
Subject: RE: Can you say if this EE story about science advisors office is true?

On the record.

If the NYT prints anything different they are choosing to lie.

From: Ari Natter (BLOOMBERG/ NEWSROOM:) [mailto:anatter5@bloomberg.net]
Sent: Thursday, September 27, 2018 3:34 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: Can you say if this EE story about science advisors office is true?

Thank you sir. Is that on the record, or do you prefer background?

Ari Natter
Reporter
Bloomberg News

Ex. 6

@AriNatter
Stories: bloom.bg/2mBBE2I

From: jackson.ryan@epa.gov **At:** 09/27/18 15:32:51
To: Ari Natter (BLOOMBERG/ NEWSROOM:)
Subject: RE: Can you say if this EE story about science advisors office is true?

Not at all. EPA's Office of Research and Development career leadership developed a plan to combine offices with similar functions in order to reduce redundancies in ORD operations. ORD is now in the process of briefing the Administrator on those plans and held a town hall in September to announce the result of their work and proposed plan to staff. One of the suggestions was combining the Office of Science Advisor with the Office of Science Policy, currently two separate offices within the ORD structure. The fact of the matter is that the Senate confirmed Assistant Administrator for ORD has customarily served as the EPA Science Advisor which will continue to be the case.

From: Ari Natter (BLOOMBERG/ NEWSROOM:) [mailto:anatter5@bloomberg.net]
Sent: Thursday, September 27, 2018 3:28 PM

To: Jackson, Ryan <jackson.ryan@epa.gov>

Subject: Can you say if this EE story about science advisors office is true?

See below. I think NYT has a story out too. Thanks man!

EPA is reshuffling its science, human resources and regional offices, leaving staffers worried about the quality of the agency's work and about their careers.

Top EPA officials yesterday informed staff that they plan to eliminate the agency's science adviser's office and merge those positions into a division within EPA's larger science shop, the Office of Research and Development, according to an employee who attended the meeting. EPA is also planning to combine its human resources office with its information technology division, sources told E&E News.

Ari Natter
Reporter
Bloomberg News

Ex. 6

@AriNatter

Stories: bloom.bg/2mBBE2I

From: jackson.ryan@epa.gov At: 08/14/18 11:17:57

To: [Ari Natter \(BLOOMBERG/ NEWSROOM: \)](#)

Subject: Re: you around?

Let me check and get back with you.

Ryan Jackson

Chief of Staff

U.S. EPA

Ex. 6

On Aug 14, 2018, at 11:17 AM, Ari Natter (BLOOMBERG/ NEWSROOM:)
<anatter5@bloomberg.net> wrote:

Wednesday evening or sometime during the day Thursday.
That work?

Ari Natter
Reporter
Bloomberg News

Ex. 6

@AriNatter
Stories: bloom.bg/2mBBE2I

From: jackson.ryan@epa.gov At: 08/14/18
11:14:40

To: Ari Natter (BLOOMBERG/ NEWSROOM:)
Subject: Re: you around?

Sure. When works for you?

Ryan Jackson

Chief of Staff

U.S. EPA

Ex. 6

On Aug 14, 2018, at 10:33 AM, Ari Natter
(BLOOMBERG/ NEWSROOM:)
<anatter5@bloomberg.net> wrote:

Hey man --

Just sent you a text too...Any
chance your around this week
and have time for a quick meet
up?

Thank you sir!

From: Ari Natter
(BLOOMBERG/ NEWSROOM:)
At: 06/06/18 17:27:29

To: jackson.ryan@epa.gov
Subject: What's up with
this?

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 9/18/2018 12:59:28 AM
To: Holland, Luke (Inhofe) [Luke_Holland@inhofe.senate.gov]
Subject: Re: FUDS/CERCLA Draft Legislation

Big thanks. We'll work on

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

On Sep 17, 2018, at 8:43 PM, Holland, Luke (Inhofe) <Luke_Holland@inhofe.senate.gov> wrote:

Literally just got this. Haven't looked at it.

Sent from my iPhone

Begin forwarded message:

From: "Wright, Jennie (Inhofe)" <Jennie_Wright@inhofe.senate.gov>
Date: September 17, 2018 at 7:42:43 PM EDT
To: "Holland, Luke (Inhofe)" <Luke_Holland@inhofe.senate.gov>
Subject: Fwd: FUDS/CERCLA Draft Legislation

Begin forwarded message:

From: "Davis, Kevin (SLC)" <Kevin_Davis@slc.senate.gov>
Date: September 17, 2018 at 4:17:15 PM EDT
To: "Wright, Jennie (Inhofe)" <Jennie_Wright@inhofe.senate.gov>
Cc: "Mazzone, Mark (SLC)" <Mark_Mazzone@slc.senate.gov>
Subject: FW: FUDS/CERCLA Draft Legislation

Jennie,

I've attached a discussion draft of the requested legislation (DAV18F77). Mark Mazzone, an environmental drafter in our office, worked on the CERCLA portion of the bill.

Let me or Mark know if you have any questions or need anything further.

Thanks,
Kevin (4-6461)

<DAV18F77.docx>

<DAV18F77.pdf>

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 9/21/2018 7:29:40 PM
To: Sara Decker [Sara.Decker@walmart.com]
CC: Bennett, Tate [Bennett.Tate@epa.gov]; Cook, Steven [cook.steven@epa.gov]; Peter Wright (wright.peter@epa.gov) [wright.peter@epa.gov]
Subject: RE: Recycling summit - November?

Well, we do have some items working and plan to highlight recycling day in November. Tate, Peter, and Steven in our OLEM and outreach offices are the best contacts to get that information. I've cc'd them on this to be helpful on this. Eager to work with Walmart on this.

From: Sara Decker [mailto:Sara.Decker@walmart.com]
Sent: Friday, September 21, 2018 2:49 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Recycling summit - November?

Hi friend!

Hope you are well! Long time no talk!

Understand that you and Wheeler met with a few of my colleagues at G7 this week and mentioned a November summit on recycling that we may be interested in participating in. Do you have details you can share or, alternatively, who on your end can provide me with more information?

Either way, have a good weekend! I would say we should catch up soon but you seem like the busiest man on the planet...

S.

Sara Decker
Director, Federal Government Affairs
Walmart * Save money. Live better.

Ex. 6

Sara.Decker@walmart.com



Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 9/14/2018 11:06:00 PM
To: Niemeyer, Lucian L II HON OSD OUSD ATL (US) [lucian.l.niemeyer.civ@mail.mil]

What is the Virginia site where we are going to start helping DOD on FUDS? Did this get discussed at the meeting at EPA HQ this past week with my guys?

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency

Ex. 6

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 9/10/2018 5:43:24 PM
To: lucian.l.niemeyer.civ@mail.mil

Can I connect with you before thurs meeting?

I have good info on the ten years.

Ryan Jackson
Chief of Staff
U.S. EPA
Ex. 6

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 9/19/2018 12:22:49 PM
To: Repko, Mary Frances (EPW) [mary_frances_repko@epw.senate.gov]; Freedhoff, Michal (EPW) [Michal_Freedhoff@epw.senate.gov]
CC: Lyons, Troy [lyons.troy@epa.gov]
Subject: Chad McIntosh
Attachments: States and Tribes without Approp Types FY2009 - 2018_as_of_9.14.2018 .pdf; EPA Grants Data FY 2009 through 2018 provided to States and Tribes.pdf; image2018-09-18-151304.pdf

Good morning from Halifax where part of the G7's focus is on marine litter. Administrator Wheeler will cite to a number of things the US is doing to address that but will reference the Save Our Seas Act as an upcoming new step in that work. We'll highlight his remarks on social media too for the Committee and Senators Whitehouse and Sullivan.

So last we spoke, we discussed pathways ahead to confirm Peter Wright and Chad McIntosh. Taking it one step at a time, the items we discussed for Chad were addressing the Senators' letter concerning the implementation of the S. 611, the Grassroots Rural and Small Community Water Systems Assistance Act, now Public Law 114-98, authored by Senators Wicker and Cardin, Chad's plan to meet with tribes, and the status of STAG grants and funding for tribes.

- Attached is a DRAFT version of a response to the Senators concerning the implementation of the Grassroots legislation outlining how grants were awarded with an emphasis on on-site technical assistance and circuit riders as referenced in the legislation. It is draft because I want to ensure I'm outlining everything done to date, the amounts awarded and to what organization, and see if this answers questions about its implementation.
- Attached is also a historical breakdown of grants awarded to states and tribes including grants awarded to states and tribes to date this year. This information is from OARM's Office of Grants and Debarment current as of last week.
- Finally, we talked about Chad's commitment to meet with tribes. He fully expects to fulfill that role. Before joining EPA and upon retiring from Ford, Ex. 6
Ex. 6 However, when he returns would a letter from him to Senator Carper describing his plan if confirmed suffice? I can get that, but it may take another couple of weeks I think.

Those were the three elements that I believed were necessary to get Chad hotlined through the Democratic cloakroom and on an upcoming list of nominees which could be confirmed by consent. Of course, Chad has already been hotlined through the Republican cloakroom.

Will you review the attached and let me know if adding a letter from Chad to Senator Carper about his outreach to tribes if confirmed works to get him hotlined and confirmed by consent?

Thanks,

Ryan.

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency

Ex. 6

Grant Obligations to States, State IHEs and Tribes Only by Approp
FY2009 - 9/14/2018

Sum of Amount		Column Labels							
Row Labels	Energy R&D No year c/o	Environmental Program & Management	Inland Oil Spill Programs	Lust	Rereg. & Exped. Proc. Rev Fund	Science and Technology	State and Tribal Assistance Grants	Superfund	Grand Total
Indian Tribe									
2009		\$2,077,151		\$2,689,418			\$132,656,262	\$2,164,531	\$139,587,362
2010		\$15,132,299		\$3,161,872			\$140,837,453	\$4,968,447	\$164,100,071
2011		\$16,735,441		\$3,270,916		\$235,517	\$153,891,420	\$2,105,039	\$176,238,333
2012		\$10,301,394		\$3,045,185			\$148,322,437	\$6,064,730	\$167,733,746
2013		\$9,725,508		\$2,579,293			\$138,411,539	\$3,992,824	\$154,709,164
2014		\$8,012,073		\$2,260,184		\$1,725,585	\$140,265,224	\$3,986,805	\$156,249,871
2015		\$7,142,407		\$1,818,078		\$100,000	\$142,941,111	\$8,893,750	\$160,895,346
2016		\$11,088,283		\$2,150,797		\$125,000	\$145,238,043	\$13,545,844	\$172,147,967
2017		\$10,821,726		\$1,782,375			\$142,561,349	\$13,976,605	\$169,142,055
2018		\$7,725,760		\$1,492,000			\$85,338,141	\$9,549,230	\$104,105,131
Indian Tribe Total		\$98,762,042		\$24,250,118		\$2,186,102	\$1,370,462,979	\$69,247,805	\$1,564,909,046
State									
2009		\$29,615,257		\$282,618,420		\$791,478	\$8,481,385,787	\$157,368,740	\$8,951,779,682
2010		\$86,422,707		\$107,025,886		\$1,270,830	\$3,721,095,450	\$80,925,990	\$3,996,740,863
2011		\$90,887,178	\$30,000	\$104,308,282	\$224,969	\$409,506	\$3,881,897,489	\$72,916,900	\$4,150,674,324
2012		\$71,356,317		\$90,913,342	\$195	\$260,904	\$3,809,464,059	\$76,858,368	\$4,048,853,185
2013		\$62,753,741		\$97,958,232	\$195,000	\$130,000	\$3,116,398,970	\$78,606,892	\$3,356,042,835
2014		\$73,754,253		\$79,862,281	\$195,000		\$3,849,622,614	\$63,770,836	\$4,067,204,984
2015		\$86,864,686		\$80,016,778	\$194,876	\$130,000	\$3,145,718,994	\$66,671,184	\$3,379,596,518
2016		\$102,225,342		\$78,216,430		\$130,000	\$3,058,207,479	\$57,572,126	\$3,296,351,377
2017		\$98,975,318		\$79,987,096		\$144,985	\$3,159,391,081	\$58,172,676	\$3,396,671,156
2018		\$113,865,721		\$67,197,189		\$204,958	\$2,718,080,960	\$40,140,216	\$2,939,489,044
State Total		\$816,720,520	\$30,000	\$1,068,103,936	\$810,040	\$3,472,661	\$38,941,262,883	\$753,003,928	\$41,583,403,968
State Institution of Higher Learning									
2009		\$19,786,304			\$1,068,540	\$34,652,635	\$18,219,386	\$244,800	\$73,971,665
2010		\$47,836,809		\$20,000	\$961,939	\$38,893,910	\$12,788,723	\$780,000	\$101,281,381
2011		\$25,514,206		\$20,000	\$502,073	\$43,288,036	\$12,684,254	\$506,163	\$82,514,732
2012	\$108,000	\$30,887,367		\$20,000	\$500,000	\$41,338,161	\$10,343,502	\$295,889	\$83,492,919
2013		\$15,854,497		\$25,760	\$500,000	\$27,617,320	\$10,865,534	\$165,780	\$55,028,891
2014		\$20,110,640		\$1,920		\$54,154,430	\$11,163,681		\$85,430,671
2015		\$19,472,615		\$20,000	\$1,000,000	\$29,761,824	\$12,180,707	\$260,583	\$62,695,729
2016		\$25,677,466		\$20,000	\$1,520,000	\$37,160,209	\$12,841,706	\$325,774	\$77,545,155
2017		\$22,408,683		\$20,000	\$1,000,000	\$22,411,719	\$13,226,176	\$468,743	\$59,535,321
2018		\$18,683,798		\$20,000	\$1,150,000	\$12,998,968	\$6,264,296	\$1,067,189	\$40,184,251
State Institution of Higher Learning Total	\$108,000	\$246,232,385		\$167,680	\$8,202,552	\$342,277,212	\$120,577,965	\$4,114,921	\$721,680,715
Grand Total	\$108,000	\$1,161,714,947	\$30,000	\$1,092,521,734	\$9,012,592	\$347,935,975	\$40,432,303,827	\$826,366,654	\$43,869,993,729

Grant Obligations to States, State IHEs and Tribes Only by Approp
FY2009 - 9/14/2018

Sum of Amount		Column Labels							
Row Labels	Energy R&D	Environmental	Inland Oil	Lust	Rereg. & Exped. Proc. Rev Fund	Science and Technology	State and Tribal Assistance Grants	Superfund	Grand Total
	No year c/o	Program & Management	Spill Programs						

Notes and Considerations:

- 1. Data source for this report is Grants Data Mart pulling directly from IGMS
- 2. This report period covers FY2009 (10/1/2009) through FY2018 (9/14/2018)
- 3. This report only contains grant obligations, not de-obligations
- 4. Amounts displayed for STAG appropriations include the 'Construction Grants' appropriations totaling \$73,248,459
- 5. Funds appropriated for the Recovery Act and Hurricane Relief Efforts and other special funds (Flint, Gold King, etc) appropriated during these years are also included



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF WATER

The Honorable John Barrasso
United States Senate
Washington, D.C. 20510

Dear Senator Barrasso:

Thank you for your July 23, 2018, letter to the U.S. Environmental Protection Agency (EPA) regarding implementation of the *Grassroots Rural and Small Community Water Systems Assistance Act* (Public Law 114-98) and the EPA's technical assistance programs for small and rural drinking water systems.

The EPA understands the challenges that small systems face in providing safe drinking water to their consumers, and the Agency shares your commitment to ensure that the communities with the greatest need have access to the training and technical assistance that will be most effective in supporting their compliance with regulations. The following information summarizes how the EPA has implemented Public Law 114-98 through the required competitive grant process:

- The EPA issued a request for applications for fiscal years 2017 and 2018, which included the criteria for project eligibility and eligible entities authorized under the Safe Drinking Water Act (SDWA).
- In response, the EPA received 16 applications.
- The EPA evaluated these applications based on the criteria outlined in Public Law 114-98, which includes considering input from communities on the type of assistance and organization that they believe would be the most effective and would provide the most benefits to their communities. To do so, the EPA set aside 20 percent of the selection criteria to give applicants the opportunity to demonstrate their level of programmatic capability, experience, and support from small and rural communities.
- The EPA also evaluated the applicant's ability to effectively consult with the appropriate regulatory authority in each state, tribe, or territory, prior to initiating and following training and technical assistance activities.
- After a thorough review of the criteria, the EPA selected five applications that were submitted by three organizations.

Through this competitive grant process, the EPA used its SDWA authority to award \$19.8 million appropriated in fiscal years 2017 and 2018 for training and technical assistance for drinking water systems to the following grantees:

- National Rural Water Association (\$8.1 million),
- Rural Community Assistance Partnership (\$8.1 million), and
- University of North Carolina/Environmental Finance Center Network (\$3.6 million).

Onsite technical assistance and circuit riders are key components of the work conducted by these grantees.

The EPA therefore agrees that technical assistance providers are critical partners in supporting drinking water and wastewater systems and protecting public health and the environment. In addition to this grant funding, the Drinking Water State Revolving Fund (DWSRF) set-asides provide critical funding for direct, on-site technical assistance. States may set aside up to approximately 31 percent of their DWSRF capitalization grant to fund state programs and third parties, including funding circuit riders, to provide assistance and build the capacity of drinking water systems.

Again, thank you for your letter. If you have further questions or additional concerns related to how we implement Public Law 114-98, we would be happy to brief your staff. Please contact me or your staff may contact Matt Klasen in the EPA's Office of Congressional and Intergovernmental Relations at klasen.matthew@epa.gov or (202) 566-0780.

Sincerely,

A handwritten signature in black ink that reads "D. Ross". The signature is written in a cursive, slightly stylized font.

David P. Ross
Assistant Administrator

**Grant Obligations to States, State IHEs and Tribes Only for All Approp Types
FY2009 - 9/14/2018**

Row Labels	Sum of Amount
Indian Tribe	
2009	\$ 139,587,362
2010	\$ 164,100,071
2011	\$ 176,238,333
2012	\$ 167,733,746
2013	\$ 154,709,164
2014	\$ 156,249,871
2015	\$ 160,895,346
2016	\$ 172,147,967
2017	\$ 169,142,055
2018	\$ 104,105,131
Indian Tribe Total	\$ 1,564,909,046
State	
2009	\$ 8,951,779,682
2010	\$ 3,996,740,863
2011	\$ 4,150,674,324
2012	\$ 4,048,853,185
2013	\$ 3,356,042,835
2014	\$ 4,067,204,984
2015	\$ 3,379,596,518
2016	\$ 3,296,351,377
2017	\$ 3,396,671,156
2018	\$ 2,939,489,044
State Total	\$ 41,583,403,968
State Institution of Higher Learning	
2009	\$ 73,971,665
2010	\$ 101,281,381
2011	\$ 82,514,732
2012	\$ 83,492,919
2013	\$ 55,028,891
2014	\$ 85,430,671
2015	\$ 62,695,729
2016	\$ 77,545,155
2017	\$ 59,535,321
2018	\$ 40,184,251
State Institution of Higher Learning Total	\$ 721,680,715
Grand Total	\$ 43,869,993,729

Notes and Considerations:

1. Data source for this report is Grants Data Mart pulling directly from IGMS
2. This report period covers FY2009 (10/1/2009) through FY2018 (9/14/2018)
3. This report only contains grant obligations, not de-obligations
4. Amounts displayed for STAG appropriations include the 'Construction Grants' appropriations totaling \$73,248,459
5. Funds appropriated for the Recovery Act and Hurricane Relief Efforts and other special funds (Flint, Gold King, etc) appropriated during these years are also included

Message

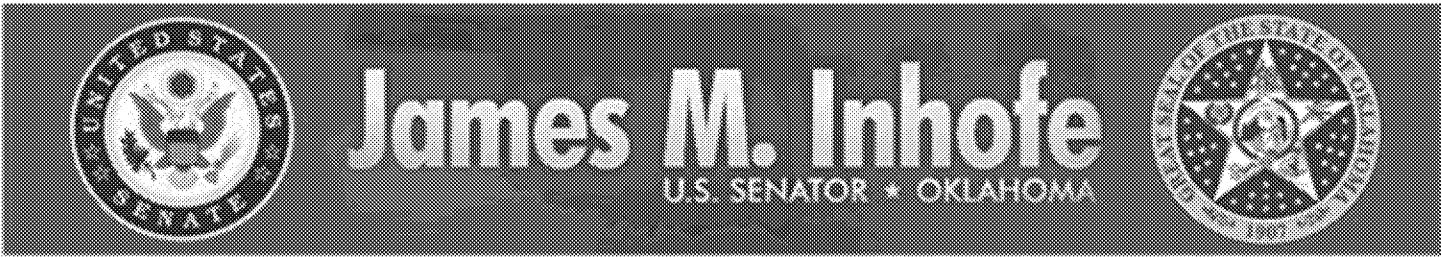
From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 9/5/2018 10:50:03 PM
To: Holland, Luke (Inhofe) [Luke_Holland@inhofe.senate.gov]
Subject: RE: NEWS: Inhofe Selected as Armed Services Chairman

He's the man. He'll continue to do a great job.

From: Holland, Luke (Inhofe) [mailto:Luke_Holland@inhofe.senate.gov]
Sent: Wednesday, September 5, 2018 2:21 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: FW: NEWS: Inhofe Selected as Armed Services Chairman

He saw your text last night and really appreciated it.

From: Inhofe, PressOffice (Inhofe)
Sent: Wednesday, September 5, 2018 2:19 PM
To: Inhofe, PressOffice (Inhofe) <PressOffice_Inhofe@inhofe.senate.gov>
Subject: NEWS: Inhofe Selected as Armed Services Chairman



FOR IMMEDIATE RELEASE

LINK TO RELEASE

Sept. 5, 2018

Leacy Burke
(202) 224-4721

INHOFE SELECTED AS ARMED SERVICES CHAIRMAN

WASHINGTON – U.S. Sen. Jim Inhofe (R-Okla.) was selected as chairman of the Senate Armed Services Committee (SASC). Inhofe previously served as Ranking Member of the committee during the 113th Congress. After a vote by members of the Armed Services Committee, the Republican Conference approved Inhofe's election today. The full Senate is expected to formally affirm the selection before the end of the week.

"I am deeply honored that my colleagues have selected me to lead the Armed Services Committee," Inhofe said. "America is facing new and unprecedented threats that are different from anything we've seen before. As chairman, it will be my priority to address these threats while maintaining a staunch commitment to service members and their families, as well as continue the bipartisan tradition of rigorous accountability and oversight of the Defense Department. I look forward to working with Ranking Member Reed and the entire committee as we continue to ensure our military is ready and able to defend America against growing threats from around the world."

Sen. Inhofe has served on the Armed Services Committee since 1995, and is the committee's first chairman from Oklahoma. He previously served as Chairman of the Environment and Public Works Committee from 2003-2006 and

from 2015-2016 where his tenure was marked by strong oversight and the passage of major legislation, including the FAST Act, the return to biennial water infrastructure bills and the first reform of chemical legislation since the 1990s.

###

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 9/7/2018 8:03:08 PM
To: Freedhoff, Michal (EPW) [Michal_Freedhoff@epw.senate.gov]
CC: Repko, Mary Frances (EPW) [mary_frances_repko@epw.senate.gov]; Lyons, Troy [lyons.troy@epa.gov]
Subject: Re: RE: RE: RE:

ok.

Ryan Jackson
Chief of Staff
U.S. EPA
Ex. 6

> On Sep 7, 2018, at 1:40 PM, Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov> wrote:
>
> ok. You guys call my desk line and I can conference MF in if she's ready or just crank call her cell every five minutes til she leaves her other call. :-)
>
> Sent from my iPhone
>
>> On Sep 7, 2018, at 3:33 PM, Repko, Mary Frances (EPW) <mary_frances_repko@epw.senate.gov> wrote:
>>
>> I now have a 4 pm WRDA call. Unclear how far we'll get. I can try to hop off my call, if the three of you want to get on.
>>
>> -----Original Message-----
>> From: Jackson, Ryan <jackson.ryan@epa.gov>
>> Sent: Friday, September 7, 2018 3:02 PM
>> To: Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov>
>> Cc: Lyons, Troy <lyons.troy@epa.gov>; Repko, Mary Frances (EPW) <mary_frances_repko@epw.senate.gov>
>> Subject: Re: RE: RE:
>>
>> I'd like to try for 5.
>>
>>
>>
>>
>>
>>
>> Ryan Jackson
>> Chief of Staff
>> U.S. EPA
>> Ex. 6
>>
>>
>>> On Sep 7, 2018, at 12:51 PM, Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov> wrote:
>>>
>>> ok - let's let MF give us a sense as she figures out today's wrda goings-on, but we can try for 5 if E&C stuff allows.
>>>
>>> Michal Ilana Freedhoff, Ph.D.
>>> Director of Oversight
>>> Committee on Environment and Public Works Democratic Staff
>>>
>>> -----Original Message-----
>>> From: Jackson, Ryan <jackson.ryan@epa.gov>
>>> Sent: Friday, September 7, 2018 2:47 PM
>>> To: Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov>
>>> Cc: Lyons, Troy <lyons.troy@epa.gov>; Repko, Mary Frances (EPW) <mary_frances_repko@epw.senate.gov>
>>> Subject: Re: RE:

>>>
>>> Yes. We'll call you. Any convenient number in particular?
>>>
>>>
>>>
>>>
>>>
>>>
>>> Ryan Jackson
>>> Chief of Staff
>>> U.S. EPA
>>> Ex. 6
>>>
>>>> On Sep 7, 2018, at 12:39 PM, Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov> wrote:
>>>>
>>>> 5 pm eastern an option for you guys?
>>>>
>>>> Michal Ilana Freedhoff, Ph.D.
>>>> Director of Oversight
>>>> Committee on Environment and Public Works Democratic Staff
>>>>
>>>> -----Original Message-----
>>>> From: Jackson, Ryan <jackson.ryan@epa.gov>
>>>> Sent: Friday, September 7, 2018 2:26 PM
>>>> To: Lyons, Troy <lyons.troy@epa.gov>
>>>> Cc: Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov>; Repko, Mary Frances (EPW) <mary_frances_repko@epw.senate.gov>
>>>> Subject: Re:
>>>>
>>>> I'm in Denver Monday.
>>>>
>>>>
>>>>
>>>>
>>>>
>>>>
>>>> Ryan Jackson
>>>> Chief of Staff
>>>> U.S. EPA
>>>> Ex. 6
>>>>
>>>>> On Sep 7, 2018, at 12:25 PM, Lyons, Troy <lyons.troy@epa.gov> wrote:
>>>>>
>>>>> How about we connect on Monday?
>>>>>
>>>>>
>>>>> Sent from my iPhone
>>>>>
>>>>>> On Sep 7, 2018, at 12:22 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:
>>>>>>
>>>>>> I think I've messed up the times being on Montana time and just missed a good window.
>>>>>>
>>>>>>
>>>>>>
>>>>>>
>>>>>>
>>>>>>
>>>>>> Ryan Jackson
>>>>>> Chief of Staff
>>>>>> U.S. EPA
>>>>>> Ex. 6
>>>>>>
>>>>>>> On Sep 7, 2018, at 8:58 AM, Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov> wrote:
>>>>>>>
>>>>>>> Thanks for that!
>>>>>>>
>>>>>>> We are open from 11:30-2 and 4:30-5:30 unless MF needs to deal with WRDA unexpectedly.
>>>>>>>
>>>>>>> What works for you?
>>>>>>>

>>>>>> Sent from my iPhone

>>>>>>

>>>>>> On Sep 7, 2018, at 10:51 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

>>>>>>

>>>>>> Congratulations on Thursday night. I wanted to wait until the smoke cleared but Troy and I wanted to get in the phone with you to talk nominations.

>>>>>>

>>>>>>

>>>>>>

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>>>>>>

>>>>>>

>>>>>>

>>>>>> Ryan Jackson

>>>>>> Chief of Staff

>>>>>> U.S. EPA

>>>>>> Ex. 6

>>>>>>

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 9/5/2018 10:38:02 PM
To: Benjamin.Dunham@hklaw.com
Subject: RE: Consumer product industry meeting with Wheeler

Yes, I thought you were already contacted. We determined we were doing this meeting two weeks ago. I'll get on it.

-----Original Message-----

From: Benjamin.Dunham@hklaw.com [mailto:Benjamin.Dunham@hklaw.com]
Sent: Wednesday, September 5, 2018 4:28 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Fwd: Consumer product industry meeting with Wheeler

Hey Ryan,
Any chance this meeting will happen? One of our biggest issues – the Pesticide Registration Improvement Act – is timely because it expires at the end of the month and is in play in Farm Bill negotiations.

Sorry to bug you on this.

Ben

Begin forwarded message:

From: "Dunham, Benjamin E [Ex. 6]" <Benjamin.Dunham@hklaw.com<mailto:Benjamin.Dunham@hklaw.com>>
Date: August 28, 2018 at 11:04:49 AM EDT
To: "Dickerson, Aaron" <dickerson.aaron@epa.gov<mailto:dickerson.aaron@epa.gov>>
Subject: RE: Consumer product industry meeting with Wheeler

Hi Aaron,

Just following up to see if you have a sense on whether we'll be able to get a few minutes with the Acting Administrator next week.

Thanks!

Ben Dunham | Holland & Knight
Sr Policy Advisor
Holland & Knight LLP
800 17th Street N.W., Suite 1100 | Washington, DC 20006 Phone [Ex. 6] Fax 202.955.5564
benjamin.dunham@hklaw.com<mailto:benjamin.dunham@hklaw.com> | www.hklaw.com<http://www.hklaw.com/>

From: Dunham, Benjamin E [Ex. 6]
Sent: Monday, August 13, 2018 7:51 AM
To: 'Dickerson, Aaron' <dickerson.aaron@epa.gov<mailto:dickerson.aaron@epa.gov>>
Subject: RE: Consumer product industry meeting with Wheeler

Hi Aaron,
Thanks for providing the form. I've completed it and attached it here. Please let me know if you need anything else.

Best,

Ben Dunham | Holland & Knight
Sr Policy Advisor
Holland & Knight LLP
800 17th Street N.W., Suite 1100 | Washington, DC 20006 Phone [Ex. 6] Fax 202.955.5564
benjamin.dunham@hklaw.com<mailto:benjamin.dunham@hklaw.com> | www.hklaw.com<http://www.hklaw.com/>

From: Dickerson, Aaron [mailto:dickerson.aaron@epa.gov]
Sent: Monday, August 06, 2018 1:56 PM
To: Dunham, Benjamin E [Ex. 6] <Benjamin.Dunham@hklaw.com<mailto:Benjamin.Dunham@hklaw.com>>
Subject: RE: Consumer product industry meeting with Wheeler

Hi Ben

Could you complete the attached meeting request form and return to me? I will be in touch about a possible meeting. Thank you.

From: Benjamin.Dunham@hklaw.com<mailto:Benjamin.Dunham@hklaw.com> [mailto:Benjamin.Dunham@hklaw.com]
Sent: Monday, August 6, 2018 1:18 PM
To: Jackson, Ryan <jackson.ryan@epa.gov<mailto:jackson.ryan@epa.gov>>
Subject: RE: Consumer product industry meeting with Wheeler

Hey Ryan,
Congrats on getting through the hearing etc. From the outside, it looks like things are going well.

Any thoughts on getting on the Acting Administrator's schedule with folks from the Household and Commercial Products Association?

Maybe later in August or early September?

Ben Dunham | Holland & Knight
Sr Policy Advisor
Holland & Knight LLP
800 17th Street N.W., Suite 1100 | Washington, DC 20006 Phone [Ex. 6] Fax 202.955.5564
benjamin.dunham@hklaw.com<mailto:benjamin.dunham@hklaw.com> | www.hklaw.com<http://www.hklaw.com/>

From: Dunham, Benjamin E [Ex. 6]
Sent: Sunday, July 08, 2018 2:58 PM
To: 'Jackson, Ryan' <jackson.ryan@epa.gov<mailto:jackson.ryan@epa.gov>>
Subject: RE: Consumer product industry meeting with Wheeler

Awesome. Good luck!

From: Jackson, Ryan [mailto:jackson.ryan@epa.gov]
Sent: Sunday, July 08, 2018 2:49 PM
To: Dunham, Benjamin E [Ex. 6] <Benjamin.Dunham@hklaw.com<mailto:Benjamin.Dunham@hklaw.com>>
Subject: Re: Consumer product industry meeting with Wheeler

Yes. Still here. Let me get some stuff started up and better organized.

Ryan Jackson
Chief of Staff
U.S. EPA
[Ex. 6]

On Jul 8, 2018, at 2:47 PM, "Benjamin.Dunham@hklaw.com<mailto:Benjamin.Dunham@hklaw.com>"
<Benjamin.Dunham@hklaw.com<mailto:Benjamin.Dunham@hklaw.com>> wrote:
RJ,
You sticking around? I heard a rumor you were but didn't know if it was official.

If so, do you think I could bring in some folks from the Household and Commercial Products Association to introduce themselves to Wheeler? HCPA was formerly known as the Consumer Specialty Products Association. They represent companies like Procter & Gamble, SC Johnson, Clorox, the makers of Lysol, and institutional cleaning products like Ecolab.

Our request isn't urgent - it's just to introduce the industry and their priorities - but we'd love to get something on the books. We could even meet in August if he's around then. Happy to work with the scheduler, but I wasn't sure who that was.

Hope you're well. See you soon.

Ben Dunham | Holland & Knight
Sr Policy Advisor
Holland & Knight LLP
800 17th Street N.W., Suite 1100 | Washington, DC 20006 Phone [Ex. 6] Fax 202.955.5564
benjamin.dunham@hklaw.com<mailto:benjamin.dunham@hklaw.com> | www.hklaw.com<http://www.hklaw.com/>

NOTE: This e-mail is from a law firm, Holland & Knight LLP ("H&K"), and is intended solely for the use of the individual(s) to whom it is addressed. If you believe you received this e-mail in error, please notify the sender immediately, delete the e-mail from your computer and do not copy or disclose it to

anyone else. If you are not an existing client of H&K, do not construe anything in this e-mail to make you a client unless it contains a specific statement to that effect and do not disclose anything to H&K in reply that you expect it to hold in confidence. If you properly received this e-mail as a client, co-counsel or retained expert of H&K, you should maintain its contents in confidence in order to preserve the attorney-client or work product privilege that may be available to protect confidentiality.

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 9/4/2018 3:24:41 PM
To: Hayly Humphreys [Ex. 6 - Personal Email]
Subject: RE: Re:

Thank you very much. We are expecting to hold interviews with Andrew the week of Sept 11 and will get with you in order to have you in for one of those.

From: Hayly Humphreys [Ex. 6 - Personal Email]
Sent: Tuesday, September 4, 2018 10:20 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Re: Re:

Hi Ryan,

Hope you had a great Labor Day weekend. I wanted to follow up and see if there was anything else you needed from me. I emailed Kaitlyn the paperwork on 8/17, however I'm not sure how long that process takes. As I am still very interested in the position, please let me know if you need any additional information.

Best,
Hayly

Hayly Humphreys
[Ex. 6]

On Thu, Aug 16, 2018 at 10:04 AM Hayly Humphreys [Ex. 6 - Personal Email] wrote:

No problem. Resume is attached. Thank you!

On Wed, Aug 15, 2018 at 6:48 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Thank you and thank you for coming in to visit with us. I'm sorry to ask for this again because I feel very sure I already received a copy, but can I get a resume for you for our file. I hope to speak to Andrew soon on all of this soon and can provide you with more information very shortly.

Ryan.

From: Hayly Humphreys [Ex. 6 - Personal Email]
Sent: Wednesday, August 15, 2018 1:13 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Re: Re:

Hi Ryan,

Thank you so much for taking the time to meet with me yesterday. I enjoyed speaking with you and Kaitlyn and remain very interested in the position. Please let me know if I can provide further information.

Best,

Hayly

On Fri, Aug 10, 2018 at 11:36 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Yeah, I'll call about 5. Thanks.

From: Hayly Humphreys [Ex. 6 - Personal Email]
Sent: Friday, August 10, 2018 11:33 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Re: Re:

Would any time after 3PM work for you? And my number is [Ex. 6]

Thanks!

On Thu, Aug 9, 2018 at 6:16 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Absolutely. Is there a good number and time to reach you?

From: Hayly Humphreys [Ex. 6 - Personal Email]
Sent: Thursday, August 9, 2018 4:42 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Re:

Hi Ryan,

Thank you so much for reaching out. My apologies for the delay in response. If you are still available, I would like to hear more about the opportunity. Would you have time to chat tomorrow?

Thanks so much.

Hayly

On Fri, Aug 3, 2018 at 4:34 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Hey Hayly, I was having dinner with Todd the other night, and I asked him what you may be segueing to with the change in your office. Frankly, I'm still not over Senator Corker deciding to retire from the Senate, but I wanted to see if you would like to talk about coming to the EPA. Specifically, Acting Administrator Wheeler needs an executive assistant. Let me know if you'd be interested in talking about that. You'd work closely with Andrew, me, and a few others that work with his travel in his immediate office. It's very similar to a Senate office. If you'd like to talk about that call me at **Ex. 6** or email anytime.

Thanks.

Ryan.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 8/28/2018 7:12:28 PM
To: Russell, Richard (EPW) [Richard_Russell@epw.senate.gov]
Attachments: Amy Edwards - Holland & Knight - Alex Dunn Support Letter.pdf; Deb Markowitz - University of Vermont - Alex Dunn Support Letter.pdf; Scott Fulton - Environmental Law Institute - Barrasso - Alex Dunn support lt_001.pdf; Scott Fulton - Environmental Law Institute - Carper - Alex Dunn support lt_001.pdf

Per voice mail. Maybe announcement on Thursday but I'm told this week.

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency

Ex. 6

Holland & Knight

800 17th Street, Suite 1100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564
Holland & Knight LLP | www.hklaw.com

Amy L. Edwards

Ex. 6

amy.edwards@hklaw.com

August 21, 2018

Senator John Barrasso
Chairman
Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, D.C. 20510

Senator Tom Carper
Ranking Member
Committee on Environment and Public Works
456 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Barrasso and Ranking Member Carper:

I am writing to support the nomination of Alexandra (Alex) Dapolito Dunn to become the Assistant Administrator for the Office of Chemical Safety and Pollution Prevention (OCSPP) at the Environmental Protection Agency (EPA).

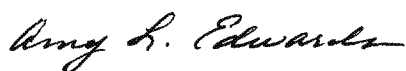
Alex currently serves as the Regional Administrator of EPA Region 1. During her more than two decade career, she has had in-depth experience with a broad range of issues involving air, water, waste, energy and environmental justice. She has represented a number of different constituencies, including as Executive Director and General Counsel of the Environmental Council of the States (ECOS); as Executive Director and General Counsel for the Association of Clean Water Administrators (ACWA); as General Counsel for the National Association of Clean Water Agencies (NACWA); as counsel at the American Chemistry Council (ACC); and now as Regional Administrator at the EPA. She also was the Dean of Environmental Law Programs and Adjunct Professor of Law at the Elisabeth Haub School of Law at Pace University for several years. Alex is well regarded for her substantive expertise, her vision, and her excellent management skills.

In addition, Alex has served as a past chair of the American Bar Association's Section of Environment, Energy and Resources (SEER) and as a member of the Environmental Law Institute (ELI) Board of Directors. She is regularly invited to speak at ABA SEER and ELI conferences and programs. She has been a lecturer at the Columbus School of Law, Catholic University of America, and an Adjunct Associate Professor of Law at the American University Washington College of Law.

I trust that this information is helpful to you as you review Alex's nomination. Please feel free to follow up with me if you have any additional questions.

Sincerely,

HOLLAND & KNIGHT LLP



Amy L. Edwards

Anchorage | Atlanta | Austin | Boston | Charlotte | Chicago | Dallas | Denver | Fort Lauderdale | Houston | Jacksonville
Lakeland | Los Angeles | Miami | New York | Orlando | Philadelphia | Portland | San Francisco | Stamford | Tallahassee | Tampa
Tysons | Washington, D.C. | West Palm Beach | Bogotá | London | Mexico City



RUBENSTEIN SCHOOL OF
ENVIRONMENT AND NATURAL RESOURCES

Deb Markowitz,
Visiting Professor of Environmental Policy and Leadership
University of Vermont
312 Aiken Building
Burlington, Vermont 05405

August 13, 2018

Senator John Barrasso, Chair
Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Barrasso,

This letter is in support of the nomination of Alexandra Dunn for EPA's Assistant Administrator of Chemical Safety and Pollution Prevention.

I served from 2010 – 2017 as the Secretary of the Agency of Natural Resources for Vermont. In that capacity I worked closely with Ms. Dunn in her prior role as the Executive Director of the Environmental Council of States (ECOS). I saw first-hand Ms. Dunn's significant strengths as a manager and as a leader. More specifically, Alexandra Dunn is an excellent choice to oversee implementation of the nation's chemical regulatory programs, especially the Frank R. Lautenberg Chemical Safety for the 21st Century Act which amended the Toxic Substances Control Act (*TSCA*). Ms. Dunn and I worked together, in our prior professional roles, as this law was negotiated, to ensure that states would maintain meaningful chemical regulatory authorities. Her deep knowledge of key issues and passion for the portfolio of work in this EPA office will ensure her success.

Feel free to call upon me if you have any questions, or would like additional information about Ms. Dunn's qualifications to serve.

Sincerely,

Deb Markowitz



RUBENSTEIN SCHOOL OF
ENVIRONMENT AND NATURAL RESOURCES

Deb Markowitz,
Visiting Professor of Environmental Policy and Leadership
University of Vermont
312 Aiken Building
Burlington, Vermont 05405

August 13, 2018

Senator Tom Carper, Ranking Member
Committee on Environment and Public Works
456 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Carper,

This letter is in support of the nomination of Alexandra Dunn for EPA's Assistant Administrator of Chemical Safety and Pollution Prevention.

I served from 2010 – 2017 as the Secretary of the Agency of Natural Resources for Vermont. In that capacity I worked closely with Ms. Dunn in her prior role as the Executive Director of the Environmental Council of States (ECOS). I saw first-hand Ms. Dunn's significant strengths as a manager and as a leader. More specifically, Alexandra Dunn is an excellent choice to oversee implementation of the nation's chemical regulatory programs, especially the Frank R. Lautenberg Chemical Safety for the 21st Century Act which amended the Toxic Substances Control Act (*TSCA*). Ms. Dunn and I worked together, in our prior professional roles, as this law was negotiated, to ensure that states would maintain meaningful chemical regulatory authorities. Her deep knowledge of key issues and passion for the portfolio of work in this EPA office will ensure her success.

Feel free to call upon me if you have any questions, or would like additional information about Ms. Dunn's qualifications to serve.

Sincerely,

Deb Markowitz



1730 M STREET, NW, SUITE 700
WASHINGTON, DC 20036

PHONE: (202) 939-3800

FAX: (202) 939-3868

EMAIL: law@eli.org

WEB: www.eli.org

August 13, 2018

The Honorable John Barrasso
Chairman
Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

Re: Letter of Support for Alexandra Dunn, Nominee for
Assistant Administrator, U.S. EPA Office of Chemical Safety
and Pollution Prevention

Dear Senator Barrasso:

By this letter, I am registering my strong support for Alexandra Dunn for the position of Assistant Administrator, Office of Chemical Safety and Pollution Prevention (OCSPP). I have known Ms. Dunn in various professional capacities for the last 25 years, and believe that she is an excellent choice for this position. She is a deeply experienced environmental leader and attorney who understands the complexity of regulatory and policy decisions, including those of the office she has been asked to lead. Ms. Dunn is respected across the environmental community — by businesses; federal, state and local officials; and non-governmental organizations. I am confident she would serve the American people with integrity, intelligence, and distinction if confirmed as Assistant Administrator of OCSPP.

Respectfully Submitted,

Scott Fulton
President, Environmental Law Institute (ELI)
and former General Counsel, U.S. EPA





1730 M STREET, NW, SUITE 700
WASHINGTON, DC 20036

PHONE: (202) 939-3800

FAX: (202) 939-3868

EMAIL: law@eli.org

WEB: www.eli.org

August 13, 2018

The Honorable Tom Carper
Ranking Member
Committee on Environment and Public Works
456 Dirksen Senate Office Building
Washington, DC 20510

Re: Letter of Support for Alexandra Dunn, Nominee for
Assistant Administrator, U.S. EPA Office of Chemical Safety
and Pollution Prevention

Dear Senator Carper:

By this letter, I am registering my strong support for Alexandra Dunn for the position of Assistant Administrator, Office of Chemical Safety and Pollution Prevention (OCSPP). I have known Ms. Dunn in various professional capacities for the last 25 years, and believe that she is an excellent choice for this position. She is a deeply experienced environmental leader and attorney who understands the complexity of regulatory and policy decisions, including those of the office she has been asked to lead. Ms. Dunn is respected across the environmental community — by businesses; federal, state and local officials; and non-governmental organizations. I am confident she would serve the American people with integrity, intelligence, and distinction if confirmed as Assistant Administrator of OCSPP.

Respectfully Submitted,

Scott Fulton
President, Environmental Law Institute (ELI)
and former General Counsel, U.S. EPA



Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 8/29/2018 2:34:50 PM
To: Holland, Luke (Inhofe) [Luke_Holland@inhofe.senate.gov]
Subject: FW: comment
Attachments: Comment.pdf

Attached are the public comments you requested.

From: Bolen, Brittany
Sent: Wednesday, August 29, 2018 10:30 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: comment

<https://www.regulations.gov/document?D=EPA-HQ-OA-2018-0259-6449>

**Draft Department of Defense Comments on
Proposed Rule: Strengthening Transparency in Regulatory Science
EPA-HQ-OA-2018-0259**

Comments submitted by: OASD(EI&E),
ESOH Directorate, CMRM Program

Organization: Department of Defense

Date: 8/16/2018

Comment No.	Section	Pages	Proposed Rule Text	Comment
1.	I.B. What action is the Agency taking?	83 FR 18769	The proposed regulation provides that, for the science pivotal to its significant regulatory actions, EPA will ensure that the data and models underlying the science is publicly available in a manner sufficient for validation and analysis. In this notice, EPA solicits comment on this proposal and how it can best be implemented in light of existing law and prior statements of policy that have called for increasing public access to data and influential scientific information used to inform federal regulation.	It is appropriate to limit application of the rule to only “major” regulatory actions as defined in the Congressional Review Act. For regulations with lower cost thresholds EPA may wish to consider issuing similar policy. While we agree that public access to information is very important, we do not believe that failure of the Agency to obtain a publication’s underlying data from an author external to the Agency should negate its use. As we note below, it is improbable that EPA will be able to obtain underlying data from all authors, this should not impede the use of otherwise high-quality studies.
2.	I.C. What is the Agency’s authority for taking this action?	83 FR 18769	The Agency proposes to take this action under authority of the statutes it administers, including provisions providing general authority to promulgate regulations necessary to carry out the Agency’s functions under these statutes and provisions specifically addressing the Agency’s conducting of and reliance on scientific activity to inform those functions, including Clean Air Act sections 103, 301(a), 42 U.S.C. 7403, 7601(a); Clean Water Act sections 104, 501, 33 U.S.C. 1254, 1361; Safe Drinking Water Act sections 1442, 1450(a)(1), 42 U.S.C. 300j-1, 300j-9(a)(1); Resource Conservation and Recovery Act sections 2002(a)(1), 7009, 42 U.S.C. 6912(a)(1), 6979;	The Final Information Quality Bulletin implements the Information Quality Act (Pub L. No. 106-554, § 515, Dec. 21, 2000). This rule should reference the Information Quality Act along with the bulletin.

			Comprehensive Environmental Response, Compensation, and Liability Act (as delegated to the Administrator via Executive Order 12580) sections 115, 311, 42 U.S.C. 9616, 9660; Emergency Planning and Community Right-To-Know Act section 328, 42 U.S.C. 11048; Federal Insecticide, Fungicide, and Rodenticide Act sections 25(a)(1), 136r(a), 7 U.S.C. 136r(a), 136w; and Toxic Substances Control Act, as amended, section 10, 15 U.S.C. 2609.	
3.	II. Background	83 FR 18769	EPA should ensure that the data and models underlying scientific studies that are pivotal to the regulatory action are available to the public. This proposed rule is designed to increase transparency in the preparation, identification, and use of science in policymaking.	In many cases the EPA relies upon toxicological assessments that have already been published by the Agency. The Rule should make clear that for major or significant regulatory actions the requirements of this rule will apply at the regulatory phase regardless.
4.	II. Background	83 FR 18770	In particular, this proposal applies concepts and lessons learned from its ongoing implementation of the 2016 Plan to Increase Access to Results of EPA-Funded Scientific Research to significant regulatory decisions. The proposed rule takes into consideration the policies or recommendations of third party organizations who advocated for open science. ¹⁰ These policies are informed by the policies recently adopted by some major scientific journals, ¹¹ spurred in some part by the “replication crisis.” ¹²	Data and model availability may address functions that will improve analyses. 1) In the past, DoD, other interested parties, and even EPA have found places where the main text has not been updated after changes were made in the model or data used. Increased availability will facilitate and expedite corrections. 2) Within each model and data set, choices must be made. For a given parameter should a single estimate, an average, or a range of values be used? Is an existing model appropriate, or should modifications be made? No entity will use all options; data and model availability will allow interested parties to determine if alternative choices substantially change results.
5.	II. Background	83 FR 18770	With this notice, EPA is soliciting public comment on a proposed regulation designed to provide a mechanism to increase access to dose response data and models underlying pivotal regulatory science in a manner consistent with statutory requirements for protection of privacy and confidentiality of research participants, protection of proprietary data and confidential business information, and other compelling interests. The proposal takes comment on how to ensure that, over time, more of the data and models underlying the science that informs regulatory decisions (over	1) A paper cited by EPA in the Proposed Rule, Lutter and Zorn (2016) notes that only 20% of authors contacted to provide data underlying their publication actually provide it. Given this circumstance, if EPA wishes to change the culture of data access it seems that they need receive buy-in from publishers and scientists as well as change the internal EPA culture to insure requirements for data availability are met by EPA funded laboratory and epidemiological studies. 2) We recommend that models developed by EPA be constructed in R or other freeware, and the code posted with the document in which they were used. Renting or

			and above the dose response data and models underlying “pivotal regulatory science”) is available to the public for validation ¹³ in a manner that honors legal and ethical obligations to reduce the risks of unauthorized disclosure and re-identification. As such this proposed regulation is designed to change agency culture and practices regarding data access so that the scientific justification for regulatory actions is truly available for validation and analysis.	<p>buying proprietary software can impede the transparency advocated in this proposal. In addition, code availability would be very useful.</p> <p>3) To insure dose-response data is available in the future the rule needs to take into consideration the cost of establishing and maintaining the electronic infrastructure necessary for obtaining and storing data and models. The cost of safeguarding integrity of the data needs to be considered as well.</p>
6.	II. Background	83 FR 18770	In addition, this proposed regulation is designed to increase transparency of the assumptions underlying dose response models. As a case in point, there is growing empirical evidence of non-linearity in the concentration-response function for specific pollutants and health effects. The use of default models, without consideration of alternatives or model uncertainty, can obscure the scientific justification for EPA actions. To be even more transparent about these complex relationships, EPA should give appropriate consideration to high quality studies that explore: A broad class of parametric concentration response models with a robust set of potential confounding variables; nonparametric models that incorporate fewer assumptions; various threshold models across the exposure range; and spatial heterogeneity. EPA should also incorporate the concept of model uncertainty when needed as a default to optimize low dose risk estimation based on major competing models, including linear, threshold, and U-shaped, J-shaped, and bell-shaped models.	Non-linearity of dose-response functions is, at a minimum, a function of both intra-species variability and the importance of both enzymes and receptors acting through forms of the Hill function that is mathematically non-linear. Assumptions of linearity, both straight-line extrapolations and linearly proportional relationships among exposure and other risk assessment parameters are a function of known simplifications for calculations that evolved in the 1980s when data were limited, computer use expensive, and most scientists still relying on slide rules for calculations. It is now generally accepted that physiologically base pharmacokinetic and pharmacodynamics models, which are inherently non-linear, are more accurate. We believe EPA should consider a broad range of models, to include those that utilize Bayesian and data-driven approaches. Expanding the variety of dose-response models that include threshold and non-monotonically-increasing functions is important, as the data support their appropriate description of some biological functions, but should be part of guidance or EPA Guidelines, not be part of this rule. EPA may wish to provide a method for interested parties to submit papers on these issues that would be publicly available prior to workshops and other methods of discussion. This could provide EPA not only with multiple options but also with some of the strengths and weaknesses of these models. A draft of how EPA is considering use of such models, including some examples, would provide further comment that could be incorporated before guidance is final.
7.	III. Request for Comment	18771	EPA also seeks comments on which criteria the Agency should use to base any exceptions, including whether case-by-case exceptions may be appropriate.	As we note in other comments, underlying study data may be difficult to obtain from authors outside the Agency. EPA should allow exceptions for such instances.

8.	III. Request for Comment	18771	EPA also solicits comment on whether a narrower scope of coverage would be appropriate, such as only final regulations that are determined to be "major" under the Congressional Review Act, or "economically significant" under E.O. 12866.	We believe it is most appropriate for the rule to apply to "major regulations" as defined by the Congressional Review Act only. However, the threshold of 100M was established by Congress in 1996. Hence the threshold that would apply to this regulation should be adjusted to current and/or future year dollars as appropriate.
9.	III. Request for Comment	18771	EPA solicits comment on the definitions of "pivotal regulatory science," and "dose response data and models" and how to implement such definitions.	<ol style="list-style-type: none"> 1) The definition of "dose response data" is not clear and should be clarified. We are unsure whether this means underlying, or "raw data" collected during a study that has not been subject to statistical analysis or whether it is data that is used by EPA in models. 2) It is not clear whether "pivotal regulatory science" means studies and analyses performed by the EPA, or those studies published by others in peer-reviewed journals that might support EPA's analysis. 3) We suggest that EPA consider that pivotal studies may also be those that determine qualitatively the weight of evidence (WOE) that a specific toxic endpoint is of relevance to human health or the species of concern. Selection of the appropriate toxic endpoint based on WOE after systematic review of the literature is as important as appropriate quantitative analysis. 4) There may be other types of models that are relied upon in regulatory actions and influence decisions. Such models might include environmental fate and transport models or bioaccumulation models. Please clarify whether the requirements of the Rule will apply to these types of models as well.
10.	III. Request for Comment	18771	EPA also solicits comment on how to incorporate stronger data and model access requirements into the terms and conditions of cooperative agreements and grants. EPA solicits comments on how it can build upon other federal agencies' policies regarding grantee and cooperator requirements for data access and data sharing. EPA also solicits suggestions for a platform that would enable the Agency to implement the provisions of this proposal related to increasing public access to EPA-funded data.	<p>The EPA encouraged to cooperate with other federal agencies to generate common data access, management and storage standards.</p> <p>If the models and data are generated from government funds, require that they be publicly available on EPA's website or by request to EPA. In some cases where compelling reasons are given and publicly available, a time delay might be justified, which should also be identified.</p>
11.	III. Request for Comment	18771	EPA also seeks comment on methodologies and technologies designed to provide protected access to identifiable and sensitive data, such as individual health data, and on commenters experience with	The EPA is encouraged to cooperate with other federal agencies to generate common data access, management and storage standards. The EPA is also encouraged to participate openly with the PubChem and the NTP's databases.

			the use of such methodologies and technologies and their strengths and limitations.	The same types of legally binding documents that EPA needed to sign to obtain such data, e.g., non-disclosure agreements, would be expected to be sufficient for other parties. EPA could consider requiring data acquisition and analysis by parties independent of the stakeholder. For example, if CBI were requested by an industrial competitor, EPA might require that a non-affiliated consulting firm or academic be the entity that signs the NDA and receives the data for analysis.
12.	III. Request for Comment	18771-18772	EPA also requests comment on whether there are other compelling interests besides privacy, confidentiality, national and homeland security that may require special consideration when data is being released.	It appears as if the EPA may have overlooked the advancement of science through open publication as a compelling interest. Interests of the academic publishing sector should be considered. Additionally, the interests of scientists outside the EPA who perform studies, collect data and publish should be considered. It is not clear how scientists would know whether their data might be used for a "pivotal regulatory action" and prepare their publication packages to allow for a given study to be "validated".
13.	III. Request for Comment	18772	EPA seeks comment on the effective date of a rule as well as on whether the Agency should seek to phase-in the requirements for certain significant regulatory actions or seek to prioritize specific actions. For regulatory programs, like the National Ambient Air Quality Standards program, in which future significant regulatory actions may be based on the administrative record from previous reviews—particularly where the governing statute requires repeated review on a fixed, date-certain cycle—EPA seeks comment on the manner in which this proposed rule should apply to that previous record.	We suggest that EPA grandfather existing analyses, unless being updated or challenged. More importantly, evaluations currently in progress should be subject to these changes, else too many more chemicals will not be subject to these modifications before they are implemented.
14.	III. Request for Comment	18772	EPA also solicits comments on whether and how the proposed rule should apply to dose response data and models underlying pivotal regulatory science if those data and models were developed prior to the effective date.	<u>Models:</u> All new models, should be vetted separately, preferably before they were used and definitely before they are used in another analysis. Exceptions and additions to existing EPA guidance may allow for improved analyses, but the strengths and limitations of those changes should undergo the same level of review, e.g., interagency comment and public comment, as the original guidance document. When performed as part of a chemical-specific analysis, there is insufficient time and expertise available for a full discussion of the potential utility and limitations of the changes.

				<p><u>Data</u>: Recent practice has been for EPA to alter the primary data, e.g., IRIS documents convert data to percentage change from the control. Starting with the most recent documents, for which the primary data should be easily accessible, those data for all datasets that were considered sufficiently important to calculate a candidate toxicity value, should be posted on the website where the other supporting documents are available.</p>
15.	III. Request for Comment	18772	In addition, EPA seeks comment on how the prospective or retrospective application of the provisions for dose response data and models or pivotal regulatory science could inadvertently introduce bias regarding the timeliness and quality of the scientific information available.	<p>There may be bias against high quality studies published in the past where underlying data is not available. There may be a bias against studies published outside the USA.</p> <p>There may be a bias against studies performed by authors or in journal not informed by the rule.</p> <p>There will be a bias against proprietary models.</p>
16.	III. Request for Comment	18772	EPA also seeks comment on any additional implementation challenges not discussed in this notice that commenters may be aware of as well as suggestions for addressing them.	<ol style="list-style-type: none"> 1) The Agency should clearly communicate its expectations regarding “replicability”, “validation” and availability of “data” to scientists designing and publishing their studies. 2) The cost to the agency to post and maintain the integrity of data and models may be an implementation challenge.
17.	III. Request for Comment	18772	The proposed rule includes a provision allowing the Administrator to exempt significant regulatory decisions on a case-by-case basis if he or she determines that compliance is impracticable because it is not feasible to ensure that all dose response data and models underlying pivotal regulatory science are publicly available in a fashion that is consistent with law, protects privacy and confidentiality, and is sensitive to national and homeland security, or in instances where OMB’ Information Quality Bulletin for Peer Review provides for an exemption (Section IX). The agency requests comment on whether these exemptions are appropriate, and on whether there are other situations in which specific significant regulatory actions, or specific categories of significant regulatory actions should be exempted.	In order to limit the potential for exempting pivotal studies that do not meet the data transparency requirements the studies in question should meet a minimal threshold of study quality.
18.	40 CFR part 30	18773	<p>§ 30.1 What is the purpose of this subpart?</p> <p>This subpart directs EPA to ensure that the regulatory science underlying its actions is publicly available in a manner sufficient for independent validation.</p>	The definition of independent validation is not clear. It is not clear if the intent is to reproduce study conclusions using underlying data, replicate entire studies, or validate the use of data extracted from published studies in a dose response model. Please present a clear definition.

19.	40 CFR part 30	18773	<p>§ 30.2 What definitions apply to this subpart? As used in this subpart, all terms not defined herein shall have the meaning given them in the Act or in subpart A; and the following terms shall have the specific meanings given them.</p> <p><i>Dose response data and models</i> means the data and models used to characterize the quantitative relationship between the amount of dose or exposure to a pollutant, contaminant, or substance and the magnitude of a predicted health or environmental impact. Such functions typically underlie pivotal regulatory science that drives the size of benefit-cost calculations, the level of a standard, and/or the points of departure from which reference values (reference doses or reference concentrations) are calculated.</p> <p><i>Research data</i> means “research data” as that term is defined in Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.</p>	<p><i>Dose response data and models:</i></p> <ol style="list-style-type: none"> 1) As presented the definition of “dose response data and models” might be construed to include fate and transport models of pollutants, contaminants or substances since they may be used to estimate exposure. If this is not the intent, they should be made exceptions. 2) Is the intent to include ecological effects to flora and fauna as is inferred by including “environmental impacts”? If not, the definition should be revised. <p><i>Research data:</i> We searched 82 FR 94, 22609 and found no definition of “research data”. If it is defined elsewhere please include that citation or insert a definition in the Rule.</p>
20.	40 CFR part 30	18773-18774	<p>§ 30.5 What requirements apply to EPA's use of dose response data and models underlying pivotal regulatory science? When promulgating significant regulatory actions, the Agency shall ensure that dose response data and models underlying pivotal regulatory science are publicly available in a manner sufficient for independent validation.</p>	<p>It is not clear what “independent validation” means. Clarify whether this means all the information required to replicate the entire study should be included or whether this is limited to data once generated.</p>
21.	40 CFR part 30	18774	<p>§ 30.6 What additional requirements pertain to the use of dose response data and models underlying pivotal regulatory science? EPA shall describe and document any assumptions and methods used, and should describe variability and uncertainty. EPA shall evaluate the appropriateness of using default assumptions, including assumptions of a linear, no-threshold dose response, on a case-by-case basis. EPA shall clearly explain the scientific basis for each model assumption used and present analyses showing the sensitivity of the modeled results to alternative assumptions. When available, EPA shall give explicit consideration to high quality studies that explore: A broad class of parametric dose-response</p>	<p>Suggest changing the text to read that “In the main text of an analysis, EPA shall describe and document any assumptions and methods used, and should clearly present, in the main text, especially any procedure used for the first time in that type of evaluations (e.g., IRIS or TSCA) as well as presenting the results of using the standard procedure.” In the past, this information has neither been highlighted, e.g., that is it a novel procedure, or been in an appendix, footnote, or note on a table or figure. Deviations from standard procedures and guidance are expected, especially in cases where more than the usual amounts and types of data are available. Highlighting them, providing information on how the results differ from that which would result from “standard” procedures, and requesting specific review of such changes would not only save reviewers from each trying to discover</p>

			or concentration-response models; a robust set of potential confounding variables; nonparametric models that incorporate fewer assumptions; various threshold models across the dose or exposure range; and models that investigate factors that might account for spatial heterogeneity.	and evaluate this information, but also provide explicit support or suggested changes to improve such changes.
22.	40 CFR part 30	18774	<p>§ 30.10 What other requirements apply under this subpart?</p> <p>EPA shall implement the provisions of this section consistent with the definition of “research data” in Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, exemptions in Public Law 89–487, and other applicable federal laws. Where appropriate, data sharing agreements and state-of-the-art data-masking techniques may be employed to facilitate access to information.</p>	The EPA is encouraged to cooperate with other federal agencies to generate common data access, management and storage standards. The EPA is also encouraged to participate openly with the PubChem and the NTP’s databases.

Message

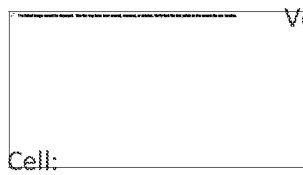
From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 9/11/2018 4:40:32 PM
To: Ghanta, Venu G [Venu.Ghanta@duke-energy.com]
Subject: RE: Florence update

That's fine. Please also include wright_peter@epa.gov; breen_barry@epa.gov; and glenn_trey@epa.gov. Trey is the R4 Regional Administrator.

From: Ghanta, Venu G [mailto:Venu.Ghanta@duke-energy.com]
Sent: Tuesday, September 11, 2018 12:03 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Florence update

Ryan-We are sending out a daily update like the one below on Hurricane Florence. Are you okay with receiving this or would you suggest it go to someone else? I am also trying to identify the right person to send to in R4.

Thanks, Venu

 Venu Ghanta
Federal Regulatory Affairs Director
325 7th Street NW, Suite 300, Washington, DC 20004
Ex. 6

From: Natonski, Pepper P. [mailto:Pepper.Natonski@duke-energy.com]
Sent: Monday, September 10, 2018 8:40 PM
Cc: Renjel, Louis E.
Subject: Pre-storm update 2

Good evening -

Please see additional information below about storm restoration crews, contact information and important safety reminders.

Should you have any questions, please do not hesitate to reach out. As a reminder, my cell is **Ex. 6**. As this storm will be an all hands on deck effort company wide, please also save contact info for my boss, Louis Renjel, copied, at **Ex. 6**. Please let us know how we can be helpful.

Thanks,

Pepper

Sept. 10, 2018

Duke Energy urges Carolinas customers to prepare for dangerous Hurricane Florence

- Widespread power outages likely in North Carolina and South Carolina – lasting multiple days to weeks

CHARLOTTE, N.C. -- As forecasts increasingly predict that Hurricane Florence is expected to significantly impact North Carolina and South Carolina, Duke Energy is preparing for the storm and urges customers to do the same.

The company expects widespread damage and power outages as Hurricane Florence is forecasted to be a large and extremely dangerous storm system, packing fierce winds and torrential rainfall.

Historical data and company experience indicate that total power restoration from a storm of this magnitude could take multiple days to several weeks – depending on the extent of damage and post-storm conditions, such as ongoing high winds and severe flooding, after the storm passes through the region.

“Hurricane Florence continues to strengthen and poses a significant threat to the Carolinas, possibly surpassing the damage seen from Hurricane Matthew in 2016 because of the potential for inland hurricane-force winds and a substantial amount of rainfall,” said Duke Energy senior meteorologist Max Thompson.

“All Duke Energy customers in the Carolinas could see impacts from this storm and should make plans now to prepare their homes and families. We join state officials in asking everyone to take this storm seriously. We also ask our customers for their patience ahead of what will be a lengthy period of power restoration and recovery from this major storm,” Thompson said.

The governors of North Carolina and South Carolina have declared states of emergency in advance of the hurricane.

Duke Energy has a detailed storm response plan in place.

In advance of the hurricane, Duke Energy is moving power restoration crews from its Indiana, Ohio, Kentucky and Florida utilities so that they are staged in the Carolinas and ready to help the company’s Carolinas-based crews restore power as soon as it is safe to do so.

In addition, line technicians and workers are checking equipment, supplies and inventories to ensure adequate materials are available to make repairs and restore power outages.

The company also is working with the Southeastern Electric Exchange to secure additional crews from other energy companies to assist.

Restoring power after a massive storm can be extremely challenging for utility repair crews, as travel and work conditions can be impacted by high winds and widespread flooding – making repair work lengthy and difficult.

Before power can be restored, crews first must assess the extent of damage – which can take 24 hours or more – to determine which crews, equipment and supplies will be needed before repairs can begin.

Important reminders

The following tips can help you and your family stay safe if the power goes out:

- Stay away from power lines that have fallen or are sagging. Consider all lines energized as well as trees, limbs or anything in contact with lines.
- Create (or update) an emergency supply kit to save valuable time later. The kit should include everything an individual or family would need for at least two weeks, especially medicines and other supplies that might be hard to find after a storm strikes.
- Maintain a supply of water and non-perishable food.
- Keep a portable radio or TV, or NOAA weather radio on hand to monitor weather forecasts and important information from state and local officials.
- Charge cellphones, computers and other electronic devices in advance of the storm to stay connected to important safety and response information. Consider purchasing portable chargers and make sure they are fully charged as well.
- Maintain a plan to move family members – especially those with special needs – to a safe, alternative location in case an extended power outage occurs or evacuation is required.
- Pet owners can make arrangements to stay at evacuation shelters that accept pets, friends' or family members' homes, or pet-friendly hotels.
- Review insurance policies, and include extra copies of the policies and other important documents in your emergency supply kit (ideally in a waterproof container).
- Report all power line hazards using the following phone numbers:
 - Duke Energy Carolinas customers – [800.769.3766](tel:800.769.3766)
 - Duke Energy Progress customers – [800.419.6356](tel:800.419.6356)
- If a power line falls across a car that you're in, stay in the car. If you MUST get out of the car due to a fire or other immediate life-threatening situation, do your best to jump clear of the car and land on both feet. Be sure that no part of your body is touching the car when your feet touch the ground.

Customers should stay tuned to local news for the latest advisories from the National Weather Service and National Hurricane Center (NHC), as well as state and local emergency management officials.

For a "Hurricane Kit Checklist," and important safety information visit <http://www.ready.gov>. In addition, tips on what to do before, during and after a storm can be found at <http://www.duke-energy.com/safety-and-preparedness/storm-safety>. A checklist serves as a helpful guide, but it's critical before, during and after a storm to follow the instructions and warnings of emergency management officials in your area.

Click [here](#) for a video demonstration and to read more about safety around power lines.

Outage reporting

Before the storm hits, customers should note how to report power outages. Customers who experience an outage during the storm can report it by:

- Visiting <http://duke-energy.com> on a desktop computer or mobile device.
- Texting OUT to 57801 (standard text and data charges may apply).
- Calling the automated outage-reporting system at [800-769-3766](tel:800-769-3766) for Duke Energy Carolinas customers and [800-419-6356](tel:800-419-6356) for Duke Energy Progress customers.

For storm or power restoration updates, follow Duke Energy on Twitter (@DukeEnergy) and Facebook (Duke Energy).

High water

In anticipation of the forecast of potential significant rainfall from Hurricane Florence, Duke Energy continues to lower lake levels by moving water along all river basins and operating our available hydro units.

The designs of the company's dams and current water levels determine the best way to move water at any given time.

If we receive significant rainfall, lake levels will rise much more quickly due to runoff.

High-water safety reminders

- People who live along lakes and rivers, and in other low-lying areas or areas prone to flooding, should pay close attention to local emergency management officials, national weather service and media for changing weather conditions and rising lake and river levels.
- High water conditions can create navigational hazards and the public should use caution and adhere to the advice of local emergency management officials before going on area lakes or rivers.
- Members of the public that have electrical service to facilities (piers, outside lighting on seawalls, etc.) on or near the water, should have a qualified electrical contractor de-energize this service to avoid injuries and equipment damage.
- For updated lake level information, go to <http://duke-energy.com/community/lakes> or call Duke Energy's Lake Neighbor Information line at 800-829-Lake (5253).

Duke Energy

Headquartered in Charlotte, N.C., Duke Energy (NYSE: DUK) is one of the largest energy holding companies in the U.S., with approximately 29,000 employees and a generating capacity of 49,500 megawatts. The company is transforming its customers' experience, modernizing its energy grid, generating cleaner energy and expanding its natural gas infrastructure to create a smarter energy future for the people and communities it serves.

The company's Electric Utilities and Infrastructure unit serves approximately 7.6 million retail electric customers in six states –North Carolina, South Carolina, Florida, Indiana, Ohio and Kentucky. Its Gas Utilities and Infrastructure unit distributes natural gas to approximately 1.6 million customers in five states – North Carolina, South Carolina, Tennessee, Ohio and Kentucky. Its Commercial Renewables unit operates a growing renewable energy portfolio across the U.S.

A Fortune 125 company, Duke Energy was named to Fortune's 2018 "World's Most Admired Companies" list and Forbes' 2018 "America's Best Employers" list.

More information about the company is available at <http://duke-energy.com>. The [Duke Energy News Center](#) includes news releases, fact sheets, photos, videos and other materials. Duke Energy's [illumination](#) features stories about people, innovations, community topics and environmental issues. Follow Duke Energy on [Twitter](#), [LinkedIn](#), [Instagram](#) and [Facebook](#).

Pepper Natonski
Director, Federal Government Affairs
Duke Energy Corporation
325 7th Street, NW | Suite 300 | Washington, DC 20004

Ex. 6	pepper.natonski@duke-energy.com
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Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 9/7/2018 3:45:01 PM
To: Freedhoff, Michal (EPW) [Michal_Freedhoff@epw.senate.gov]
CC: Repko, Mary Frances (EPW) [mary_frances_repko@epw.senate.gov]; Lyons, Troy [lyons.troy@epa.gov]
Subject: Re:

Oh yeah. We have some experience with that.

Ryan Jackson
Chief of Staff
U.S. EPA
Ex. 6

> On Sep 7, 2018, at 9:18 AM, Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov> wrote:
>
> You don't think a Burr LWCF hold can be resolved? :-)
>
> Sent from my iPhone
>

>> On Sep 7, 2018, at 11:14 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:
>>
>> WRDA. Well a lot of luck on that.

>>
>>
>>
>>
>>
>>
>> Ryan Jackson
>> Chief of Staff
>> U.S. EPA
>> Ex. 6
>>

>>> On Sep 7, 2018, at 8:58 AM, Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov> wrote:
>>>
>>> Thanks for that!

>>> We are open from 11:30-2 and 4:30-5:30 unless MF needs to deal with WRDA unexpectedly.
>>>
>>> What works for you?
>>>
>>> Sent from my iPhone
>>>

>>>> On Sep 7, 2018, at 10:51 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:
>>>>

>>>> Congratulations on Thursday night. I wanted to wait until the smoke cleared but Troy and I wanted to get in the phone with you to talk nominations.

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>>>>
>>>>
>>>> Ryan Jackson
>>>> Chief of Staff
>>>> U.S. EPA
>>>> Ex. 6
>>>>

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 8/30/2018 3:12:30 AM
To: michal_freedhoff@epw.senate.gov
Subject: Fwd:

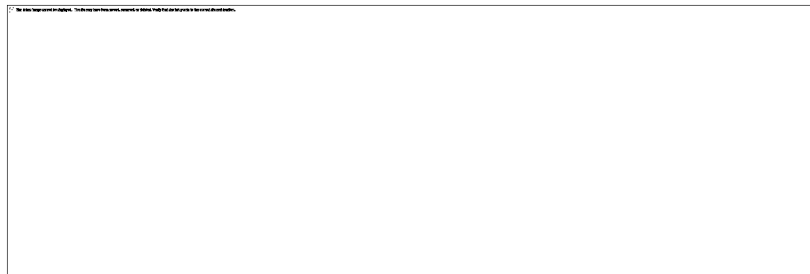
From: "Breen, Barry" <Breen.Barry@epa.gov>
To: "Jackson, Ryan" <jackson.ryan@epa.gov>
Subject: Bettina is taking on a new role at AU law school

Some details are in the first article in this newsletter

Subject: Fwd: Program on Law and Government Newsletter- August 27, 2018

-----Original Message-----

From: Fernando Laguarda <laguarda@WCL.AMERICAN.EDU>
To: FALLADJUNCTS <FALLADJUNCTS@ROSTER.WCL.AMERICAN.EDU>
Sent: Wed, Aug 29, 2018 04:50 PM
Subject: FW: Program on Law and Government Newsletter- August 27, 2018



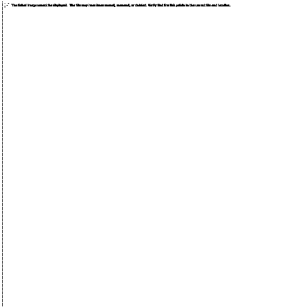
Monday, August 27, 2018
Program on Law and Government Weekly Newsletter

Welcome back!

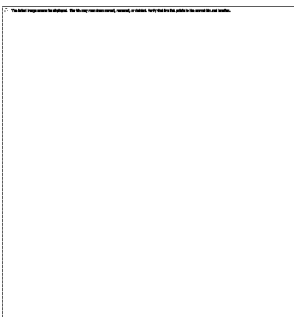
Welcome back to the start of the new Academic Year at American University Washington College of Law. We had a very busy year and are delighted to inform you of the appointment of three Senior Affiliates in Law and Government:



Louis Caldera has most recently served as Professor of Leadership at The George Washington University and Senior Fellow at the Cisneros Hispanic Leadership Institute, where he founded the Presidents' Alliance on Higher Education and Immigration, a nationwide coalition highlighting the importance of immigrants to higher education and advocating for common sense immigration reform. He has extensive public sector experience, including as Director of the White House Military Office for President Obama, President of the University of New Mexico, Secretary of the Army for President Clinton (the first Latino in that post), and as an elected California State Assembly Member. Professor Caldera holds JD and MBA degrees from Harvard and a BS from West Point. He will be recommended for appointment as Distinguished Adjunct Professor of Law and initially will be teaching the Advanced Externship Seminar. His other interests are State and Local Government Law and the Law of Democracy.



Bettina Poirier is currently Adjunct Associate Professor of Law at WCL. She was previously Staff Director and Chief Counsel to the Senate Environment and Public Works Committee, where she served for ten years as a key advisor to Senator Barbara Boxer (D-CA). Professor Poirier has also served as Deputy Assistant General Counsel for Pollution Control at the Department of Agriculture. She was previously honored by the Department of Justice for her work on environment and public lands issues and by the Children's Environmental Health Network for her work protecting children from environmental toxins. Poirier holds a JD from NYU and a BA from Barnard. She will be teaching new courses in Legislative Drafting and Legislative Negotiations.



Steve Shapiro is currently Adjunct Professor of Law and Director of the Hospitality and Tourism Law Program. An award-winning teacher, he has extensive experience at the confluence of general contracting and law in the Greater Washington region and across the nation, and has served as a project executive for numerous prominent embassy, hotel, and commercial real estate developments. Professor Shapiro holds undergraduate and law degrees (including an LLM) from Georgetown, and a Master's in Engineering from the University of Maryland. He will continue to chair our Government Contracts Advisory Board.

Professors Caldera, Poirier, and Shapiro will be present on campus to provide students with curricular and career counseling and assistance, organize prominent events and activities for the Program on Law and Government, and serve as resources to faculty and staff. They will leverage their formidable experience and networks from practice at the intersection of law and public policy in order to better connect our students with the many resources and opportunities available in Washington and beyond.

Announcements & Events

The Kavanaugh Nomination: A Panel Discussion

Women in Politics: Campaigning and Serving in Office during the Year of the Woman

Book Talk: "The Political Spectrum"

On the Docket: Looking Ahead at the New Supreme Court Term

Mini Externship Fair Prep

Fall 2018 Externship Mini Fair – Business, Finance, Tax; IP & Communications; Health

The Kavanaugh Nomination: A Panel Discussion

Wednesday, September 5, 12pm, Claudio Grossman Hall

Join the Program on Law and Government and guest speakers for a discussion of the issues raised by President Trump's nomination of Brett Kavanaugh for Associate Justice of the Supreme Court. Lunch provided. No RSVP required.

Women in Politics: Campaigning and Serving in Office during the Year of the Woman

Thursday, September 6, 6pm, NT01

Women are making headlines and having an impact as candidates for office during this election year. Join the Program on Law and Government and the Women in the Law Program for a panel discussion with women who have run or are running for office. No RSVP required.

Book Talk: "The Political Spectrum"

Monday, September 24, N102

Join the Program on Law and Government for a book talk with Clemson University economist and Professor Tom Hazlett, whose book "The Political Spectrum" analyzes the way the FCC works (or doesn't work) to promote the public interest. RSVP required, email lawandgov@wcl.american.edu.

On the Docket: Looking Ahead at the New Supreme Court Term

Tuesday, September 25, 5:00 p.m. – 7:00 p.m., Claudio Grossman Hall (YT01)

Join the Program on Law and Government and the ABA Public Education Division for an in-depth discussion of the upcoming Supreme Court term. There will be a brief reception beginning at 5:00 p.m. followed by a panel from 5:30 p.m. – 7:00 p.m. Our panel will feature a distinguished group of Supreme Court experts and will be moderated by WCL Professor Steve Wermiel. No RSVP required.

Mini Externship Fair Prep

Thursday, September 27, 2018, Y346

Hundreds of employers will visit WCL for this Fall's externship fairs. Whether or not you are seeking an externship, these are great opportunities to meet employers, network and advance your career. Make the most of your time by signing up for our workshop. Review your resume. Learn how to further your job search process. Practice networking. RSVP required, email lawandgov@wcl.american.edu for more information.

Fall 2018 Externship Mini Fair – Business, Finance, Tax; IP & Communications; Health

Wednesday, Oct. 3, 2018, 5:00 p.m. – 6:30 p.m., Grossman Hall

The WCL Externship Program is sponsoring an Externship Fair for **2Ls, 3Ls, 4Ls, and LLM students** interested in pursuing a career in one of these specific practice areas. Organizations attending this event consist of a wide range of government agencies, nonprofit organizations, trade associations, courts and private firms who are eager to meet WCL students. Registration is free but required. **Students who register will receive a description and contact information for each attending organization prior to the Fair. Registration is required:** <https://goo.gl/forms/cHII7PPvOdff31cj2>

Fall 2018 Legislative Internship - Congresswoman Tulsi Gabbard (D-HI)
Associate Legislative Counsel at *Earthjustice*
Assistant Director- Policy and Government Affairs (PGA) - AIPAC
Congressmember Scheduler/Office Manager- *Ohio Democrat/U.S. House*
Summer 2019 Law Student Internships- *NAACP Legal Defense and Educational Fund, Inc.*
Spring 2019 Law Clerk- *Oceana*
Fall Legal Internship at *Center for Auto Safety*

Fall 2018 Legislative Internship- Rep. Tulsi Gabbard (D-HI)

Tulsi Gabbard is an American politician of the Democratic Party serving as the U.S. Representative for Hawaii's 2nd congressional district since 2013. She was also a Vice Chair of the Democratic National Committee until February 28, 2016, when she resigned to endorse Senator Bernie Sanders for the 2016 Democratic presidential nomination. Elected in 2012, she is the first Samoan American and the first Hindu member of the United States Congress.

Core responsibilities of this position include: assisting in performing research, processing the mail, data entry, reception duties, and other office errands. Additional responsibilities include assisting the legislative team by drafting memoranda on legislation, votes, research project, and an assigned policy proposal.

Qualifications include good oral and written communication skills, the ability to work cooperatively and courteously with others, good organizational skills and responsibility, dependability, and a willingness to learn. This position reports to the Intern Coordinator/Supervisor. Send application to Patrick.koetzle@mail.house.gov.

Associate Legislative Counsel at *Earthjustice*

Earthjustice is the nation's premier nonprofit environmental law organization. We take on the biggest, most precedent-setting cases across the country. We wield the power of law and the strength of partnership to protect people's health; to preserve magnificent places and wild life; to advance clean energy; and to combat climate change. We partner with thousands of groups, supporters, individuals and communities to engage the critical environmental issues of our time, and bring about positive change. We are here because the earth needs a good lawyer. Founded in 1971, Earthjustice has a distinguished track record of achieving significant, lasting environmental protections. We achieve this by hiring talented and dedicated attorneys who share a passion for justice and a healthy environment. Our headquarters are in San Francisco with nine offices across the U.S. This position assists in the development and implementation of legislative and administrative strategies on priority issues for Earthjustice's Lands, Wildlife, and Oceans Program. The position will focus on oceans/fisheries issues and will also help support advocacy work on other lands and wildlife issues.

Responsibilities include Oceans/Fisheries Advocacy and Lands, Wildlife, and Oceans Advocacy Support. Qualifications include an undergraduate degree, JD degree, and one year of experience in the legislative process and/or public interest work or advocacy. Apply with a resume and cover letter [here](#).

Assistant Director- Policy and Government Affairs (PGA) – AIPAC

The American Israel Public Affairs Committee (AIPAC)'s mission is to strengthen, protect and promote the U.S. - Israel relationship in ways that enhance the security of the United States and Israel.

The Assistant Director, Policy and Government Affairs (PGA) will serve as one of AIPAC's registered lobbyists, responsible for building and maintaining relationships on Capitol Hill and with the broader Washington, D.C. policy community to support and promote AIPAC's legislative agenda.

Qualifications include 2-5 years of policy, government relations, advocacy or other relevant experience; Capitol Hill experience strongly preferred. Apply with cover letter and resume [here](#).

Congressmember Scheduler/Office Manager- Ohio Democrat/U.S. House

Ohio Democrat seeks a high energy, well organized, detail oriented Scheduler/Office Manager for her Washington, DC Office. Responsibilities include developing and managing the Member's DC and national/international schedule and travel arrangements; organizing the Member's daily briefing materials; communicating with constituents by phone and email quickly to address requests, concerns, and questions; maintaining office records, inventory and office supplies; managing the front office; serving as the emergency office coordinator; and performing other duties as required.

The Scheduler/Office Manager will work closely with the Member and Chief of Staff as well as other DC and District staff, including the District Scheduler/Office Manager, to coordinate the Member's short-term and strategic schedule. The Scheduler/Office Manager will also work with the Chief of Staff and District Scheduler/Office Manager to ensure efficient and seamless office operations. Mastery of Word, Excel, and Outlook are essential. Previous Hill and/or campaign scheduling or advance planning experience is required. This is not an entry level position. Ohio ties and prior experience with a nonprofit or service organization are a plus. Interested applicants should be available to start no later than **October 1, 2018**, if selected. Apply by sending application materials to OH11Resumes@mail.house.gov.

Summer 2019 Law Student Internships- NAACP Legal Defense and Educational Fund, Inc.

The NAACP Legal Defense and Educational Fund, Inc. (LDF)* is currently accepting applications from law students for 2019 summer internships for the New York and Washington D.C. offices. Summer legal interns will be responsible for legal research, memorandum writing, factual investigation, development of educational and outreach materials, discovery review, and a host of other needs that arise in LDF's litigation and advocacy efforts in the areas of Education, Political Participation, Economic Justice and Criminal Justice. Summer interns will be exposed to a variety of activity within the largest national civil rights coalition, including a series of brown bag luncheons featuring prominent civil rights and public interest attorneys, attended by interns from numerous non-profit legal organizations. Internships are unpaid and limited in number. Applicants should apply as soon as possible beginning September 2018 by sending in a cover letter, *résumé*, 5-10 page writing sample, and a list of three references to interns@naacpldf.org.

Spring 2019 Law Clerk- Oceana

The Law Department supports Oceana's policy and legislative initiatives by providing legal advice to Oceana's staff, drafting comment letters, developing and supporting strategic federal litigation, and counseling on legal aspects of advocacy materials. The Law Department's marine conservation work involves a variety of domestic laws, including the Magnuson-Stevens Fishery Conservation and

Management Act, the National Environmental Policy Act, the Endangered Species Act, and the Marine Mammal Protection Act, as well as international treaties. Oceana's campaigns focus on promoting responsible fishing; combating seafood fraud; stopping illegal, unreported and unregulated fishing; defending U.S. environmental laws; advocating for clean offshore energy; and fighting the expansion of offshore oil and gas drilling.

The Law Clerk position is designed for a current law school student with an interest in marine conservation. Law Clerks will be provided work experience commensurate with their skills in a variety of aspects of the Law Department's work. For example, Law Clerks perform legal and factual research, draft legal memoranda and other legal documents, participate in Law Department and campaign meetings, analyze legislation, help implement lobbying strategies, and attend court or Congressional hearings. Law Clerks may also be asked to support Oceana's corporate legal compliance needs. Law Clerks must work for a minimum of 10 hours/week for 10 weeks; school schedules will be accommodated. Preference will be given to students willing to work 15-20 hours/week. Law students in full-time externships or work-study programs are also welcome to apply at legalhiring@oceana.org.

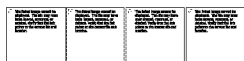
Fall Legal Internship at *Center for Auto Safety*

The Center for Auto Safety, founded by Ralph Nader and Consumers Union in 1970 in Washington, DC, the nation's leading independent non-profit organization providing consumers a voice for auto safety, quality, and fuel economy, is seeking a legal intern with an interest in joining a fast-paced work environment and making a difference in these important areas. To learn more, visit: www.autosafety.org

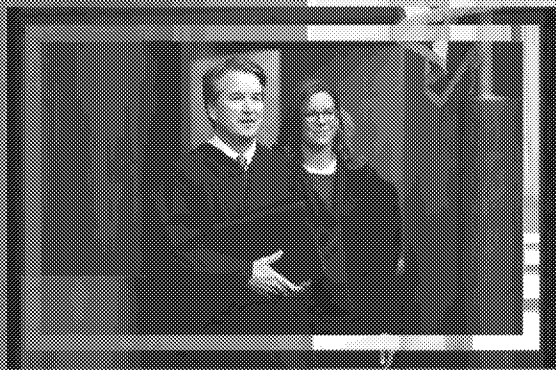
The role will touch on the following areas: Litigation, Administrative Law, Freedom of Information Act, Legislation, Research and Writing. Open to current 2Ls or 3Ls. To apply or for more info, send an email to contact@autosafety.org.

For more information, check out the Program on Law and Government annual report: bit.ly/LawGovReport

If you wish to unsubscribe from our weekly newsletter click [here](#).



**The WCL Program on Law and Government
Presents
The Kavanaugh Nomination:
A Panel Discussion**



**Wednesday, September 5, 2018
12:00-1:20 PM**

**Claudio Grossman Hall
WCL Yuma Building, Terrace Level**

Panelists

Brianne Gorod, chief counsel, Constitutional Accountability Center
Daniela Kraiem, associate director, WCL Women & the Law Program
Jamil Jaffer, founder, National Security Institute, Antonin Scalia Law School
Jennifer Mascott, assistant professor, Antonin Scalia Law School

Moderator

Steve Wermiel, WCL professor of practice

Co-sponsored by the following WCL organizations : Women and the Law Program; Office of Public Interest; Office of Special Events and CLE; IL Integrated Curriculum; the Administrative Law Review; Federalist Society; American Constitution Society; and AU Legislation & Policy Brief



WOMEN IN POLITICS: CAMPAIGNING AND SERVING IN OFFICE

Join Hon. Donna F. Edwards (D-MD)
Hon. Eileen Filler-Corn '93 (D-VA)
Ambassador Connie Morella (R-MD)

September 6th NT01
6:00-8:00PM

Brought to you by the Program on Law & Government, the
Women & the Law Program, and the Women's Law Association

August

Breakfast & WCL Alumni Panel; Tour of the Hill

Tuesday, August 21, 9:30 a.m.

New Law & Government LLM Orientation

Wednesday, August 22,
1:30-2:30pm, Y346

Law and Government Birthday Party, all welcome!

Wednesday, August 29,
12-1pm, Faculty Lounge

September

Supreme Court Nomination Panel

Wednesday, September 5,
12-1:30pm, Claudio Grossman Hall

Women in Politics: 2018

Thursday, September 6,
6-8pm, Claudio Grossman Hall

FCC Spectrum Policy, with Prof. Thomas Hazlett

Monday, September 24,
12-1:30pm, N102

Looking Ahead at the New Supreme Court Term

Tuesday, September 25,
12-1:30pm, Claudio Grossman Hall

September, cont.

Externship Fair Prep

Thursday, September 27,
12-1:30pm, Y346

October

Alumni Reception on the Hill

Thursday, October 4
Location TBD

ALR Symposium: Mass and Fake Comments in Rulemaking

Friday, October 5, 9am-2pm, NT01

Jurist in Residence, Hon. Stephen Higginson

October 18-20

Federal General Counsels Forum: with Max Stier

Tuesday, October 23, 6-8pm,
Claudio Grossman Hall

November

"Is Congress Broken?"

Thursday, November 15,
12-1:30pm, NT07

Follow us on social media or sign-up for our newsletter to receive more info about these events.



To sign up for our
newsletter, email
lawandgov@wcl.american.edu.



Follow us on Twitter:
[@LawGovAUWCL](https://twitter.com/LawGovAUWCL)



Like us on Facebook:
[@LawGovAUWCL](https://www.facebook.com/LawGovAUWCL)

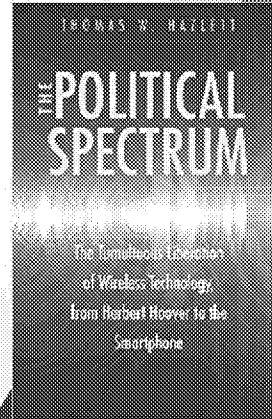


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For more information about the Program on Law & Government, please visit:
www.wcl.american.edu/lawandgov

JOIN US ON MONDAY, SEPTEMBER 24TH

Lunch and book talk with
Professor Thomas W. Hazlett,
author of *The Political Spectrum*
Room N102, 12-1:30pm



From the former chief
economist of the FCC, a
remarkable history of the U.S.
government's regulation of
the airwaves

RSVP to lawandgov@wcl.american.edu





Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 9/6/2018 12:29:31 AM
To: Holland, Luke (Inhofe) [Luke_Holland@inhofe.senate.gov]
Attachments: TAB D - ESOH Pilot Program for FUDS Cleanups.docx

I'll explain.

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency

Ex. 6

1 **SEC. ____ . PILOT PROGRAM TO USE COOPERATIVE AGREEMENTS AT**
2 **FORMERLY USED DEFENSE SITES TO EXPEDITE REUSE.**

3 Section 2701(d) of title 10, United States Code, is amended—

4 (1) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (3), (4), (5),
5 and (6) respectively;

6 (2) in paragraph (1), by striking “into agreements” and inserting “into a
7 cooperative agreement”;

8 (3) by inserting after paragraph (1) the following new paragraph—

9 “(2) PARTNERSHIP PROGRAM.—The Secretary may enter into a cooperative agreement
10 with the owner of a site formerly used by or under the jurisdiction of the Secretary (in this
11 paragraph “site”) to assume or share the costs to engage in a remedial action required because of
12 the release, due to the activities of the Department of Defense, of a hazardous substance at the
13 site.

14 “(A) A cooperative agreement under this paragraph shall—

15 “(1) promote the cost effectiveness and service delivery efficiency of such
16 a remedial action;

17 “(2) identify cost-saving service delivery alternatives that reduce the delay
18 in performing the remedial action;

19 “(3) provide an incentive for investment in the site using other than
20 Federal appropriations; and

21 “(4) reduce the risk to public safety by accelerating the remediation of the
22 site.

1 “(B) In entering into a cooperative agreement under this paragraph, the Secretary
2 shall—

3 “(1) publicly solicit from the owner of a site a proposal in which the owner
4 is willing to enter into a cooperative agreement under this paragraph to assume or
5 share the costs of remediation of the site;

6 “(2) after a determination of best interest to the government, and at the
7 request of the owner of a site, enter into a cooperative agreement with the owner
8 under which the owner is provided with support, to include partial payments from
9 the Department, in exchange for work to carry out the scope of the services of the
10 cooperative agreement;

11 “(3) seek to reduce the risk to public safety; and

12 “(4) ensure the agreement is in the best interest of the United States.

13 “(C) The authority provided by this paragraph to enter into new cooperative
14 agreements shall expire on September 30, 2021.”;

15 (4) in paragraph (3), as redesignated by paragraph (1) above, by striking “An
16 agreement with an agency under subsection (d) may be for a period that begins in one
17 fiscal year and ends in another fiscal year so long as the period of the agreement does not
18 exceed two years. This two-year limitation does not apply to an agreement funded” and
19 inserting “The document obligating funds for a cooperative agreement with an agency
20 under subsection (d) may be for a period that begins in one fiscal year and ends in
21 another fiscal year so long as the period of the funding document does not exceed two
22 years. This two-year limitation does not apply to a funding document funded”; and

1 (5) in paragraph (4), as redesignated by paragraph (1) above, by striking “An
2 agreement” each place it appears and inserting “A cooperative agreement”.

Section-by-Section Analysis

This proposal would authorize the use of cooperative agreements at formerly used defense sites (FUDS) to expedite reuse through accelerated cleanup using private capital and management. Currently such cooperative agreements can only be used, with regard to the property owner, if there are Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) section 120(h) covenants in the transfer deed. Since FUDS properties were generally transferred prior to the enactment of the covenant requirements in 1986, they have no such deed provisions and fall outside the current authority of 10 U.S.C. 2701(d)(1).

The goals and requirements of this authority are to encourage private investment in order to expedite the cleanup, and therefore the reuse, of FUDS. Allowing the DoD to pay a property owner to engage in a cleanup that DoD would itself have to accomplish in any case can, in appropriate cases, result in faster and less expensive cleanups compared to those under the standard FUDS program. To obtain the additional value of expedited cleanup, the owner would be expected to contribute to the cleanup, further benefiting DoD. The alternative for the property owner could be an indefinite wait for DoD to deal with the site in priority or to expend the additional time and resources to perform the cleanup on its own and then litigate with the United States to recover the costs.

The proposal would also clarify that agreements under section 2701(d) are cooperative agreements and that they are not limited in time, but that their funding annexes (which actually obligate funds) are still limited to under two fiscal years. This will bring the actual practice and the statute into synchronicity. For instance, DoD currently has a very large number of agreements under section 2701(d) with states and territories. Those agreements are not time-limited. However, their funding annexes are time-limited so that every other year, DoD and the state or territory enter into a new funding annex while the base agreement continues on without change.

Budget Implications: This proposal will not increase outlays. Any costs will come from the already budgeted FUDS program. Such costs do not increase the cost of the program; they only shift the priorities of sites as between years. Outlays are already included in the Fiscal Year 2019 President’s budget.

RESOURCE REQUIREMENTS (\$ MILLIONS)									
	FY	FY	FY	FY	FY	Appropriation	Budget	Dash-1	Program
	2019	2020	2021	2022	2023	From	Activity	Line Item	Element

Total	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	N/A	N/A	N/A	N/A
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USD(AT&L) Priority: ■

Resubmission Information: This proposal is being submitted for the first time.

Component Subject Matter Expert: Ms. Maureen Sullivan; DASD(EI&E)(ESOH); 703-695-7957; Maureen.Sullivan18.civ@mail.mil.

Reviewing Legal Counsel: Mr. Philip Sheuerman; DoDGC(EI&I); 703-692-2287; Philip.Sheuerman.civ@mail.mil.

Reviewing Comptroller POC:

Component Contact for OMB: Ms. Maureen Sullivan; DASD(EI&E)(ESOH); 703-695-7957; Maureen.Sullivan18.civ@mail.mil.

Changes to Existing Law:

10 U.S.C. § 2701

(d) SERVICES OF OTHER ENTITIES.—

(1) **IN GENERAL.**—Subject to paragraph (34), the Secretary may enter into a cooperative agreements on a reimbursable or other basis with any other Federal agency, any State or local government agency, any Indian tribe, any owner of covenant property, or any nonprofit conservation organization to obtain the services of the agency, Indian tribe, owner, or organization to assist the Secretary in carrying out any of the Secretary’s responsibilities under this section. Services which may be obtained under this subsection include the identification, investigation, and cleanup of any off-site contamination resulting from the release of a hazardous substance or waste at a facility under the Secretary’s jurisdiction.

(2) **PARTNERSHIP PROGRAM.**—The Secretary may enter into a cooperative agreement with the owner of a site formerly used by or under the jurisdiction of the Secretary (in this paragraph “site”) to assume or share the costs to engage in a remedial action required because of the release, due to the activities of the Department of Defense, of a hazardous substance at the site.

(A) A cooperative agreement under this paragraph shall—

(1) promote the cost effectiveness and service delivery efficiency of such a remedial action;

(2) identify cost-saving service delivery alternatives that reduce the delay in performing the remedial action;

(3) provide an incentive for investment in the site using other than Federal appropriations; and

(4) reduce the risk to public safety by accelerating the remediation of the site.

(B) In entering into a cooperative agreement under this paragraph, the Secretary shall—

(1) publicly solicit from the owner of a site a proposal in which the owner is willing to enter into a cooperative agreement under this paragraph to assume or share the costs of remediation of the site;

(2) after a determination of best interest to the government, and at the request of the owner of a site, enter into a cooperative agreement with the owner under which the owner is provided with support, to include partial payments from the Department, in exchange for work to carry out the scope of the services of the cooperative agreement;

(3) seek to reduce the risk to public safety; and

(4) ensure the agreement is in the best interest of the United States.

(C) The authority provided by this paragraph to enter into new cooperative agreements shall expire on September 30, 2021.

(23) CROSS-FISCAL YEAR AGREEMENTS.—The document obligating funds for a An cooperative agreement with an agency under subsection (d) may be for a period that begins in one fiscal year and ends in another fiscal year so long as the period of the funding document agreement does not exceed two years. This two-year limitation does not apply to an agreement funding document funded using amounts in the Department of Defense Base Closure Account established under section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; [HYPERLINK "http://www.law.cornell.edu/uscode/text/10" \o "Title 10 - ARMED FORCES"] U.S.C. [HYPERLINK "http://www.law.cornell.edu/uscode/text/10/usc_sec_10_00002687----000-notes" \o "2687 note"]).

(34) LIMITATION ON REIMBURSABLE AGREEMENTS.—An cooperative agreement with an agency under paragraph (1) may not provide for reimbursement of the agency for regulatory enforcement activities. An cooperative agreement under such paragraph with respect to a site also may not change the cleanup standards selected for the site pursuant to law.

(45) DEFINITIONS.—In this subsection:

(A) The term “Indian tribe” has the meaning given such term in section 101(36) of CERCLA ([HYPERLINK "http://www.law.cornell.edu/uscode/text/42" \o "Title 42 - THE PUBLIC HEALTH AND WELFARE"] U.S.C. [HYPERLINK "http://www.law.cornell.edu/uscode/text/42/9601" \o "§ 9601 - Definitions"] [HYPERLINK "http://www.law.cornell.edu/uscode/text/42/usc_sec_42_00009601----000-" \l "36" \o "(36)"]).

(B) The term “nonprofit conservation organization” means any non-governmental nonprofit organization whose primary purpose is conservation of open space or natural resources.

(C) The term “owner of covenant property” means an owner of property subject to a covenant provided by the United States in accordance with the requirements of paragraphs (3) and (4) of section 120(h) of CERCLA ([HYPERLINK "http://www.law.cornell.edu/uscode/text/42" \o "Title 42 - THE PUBLIC HEALTH AND WELFARE"] U.S.C. [HYPERLINK "http://www.law.cornell.edu/uscode/text/42/9620" \o "§ 9620 - Federal facilities"] [HYPERLINK "http://www.law.cornell.edu/uscode/text/42/usc_sec_42_00009620----000-" \l "h" \o

"(h)"]), so long as the covenant property is the site at which the services procured under paragraph (1) are to be performed.

(56) SAVINGS CLAUSE.—Nothing in this subsection affects the applicability of section 120 of CERCLA ([HYPERLINK "<http://www.law.cornell.edu/uscode/text/42>" \o "Title 42 - THE PUBLIC HEALTH AND WELFARE"] U.S.C. [HYPERLINK "<http://www.law.cornell.edu/uscode/text/42/9620>" \o "§ 9620 - Federal facilities"]) to the Department of Defense or the obligations and responsibilities of the Department of Defense under subsection (h) of such section.

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 8/16/2018 7:53:11 PM
To: Venuto, Sarah (Manchin) [Sarah_Venuto@manchin.senate.gov]
Subject: RE: Hey Ryan

We connected. Happy to always.

-----Original Message-----

From: Venuto, Sarah (Manchin) [mailto:Sarah_Venuto@manchin.senate.gov]
Sent: Thursday, August 16, 2018 1:42 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: Hey Ryan

Sounds like it - thank you! Sorry for the surprise call.

-----Original Message-----

From: Jackson, Ryan <jackson.ryan@epa.gov>
Sent: Thursday, August 16, 2018 12:55 PM
To: Venuto, Sarah (Manchin) <Sarah_Venuto@manchin.senate.gov>
Subject: RE: Hey Ryan

So we are calling him at 2:45 today?

-----Original Message-----

From: Venuto, Sarah (Manchin) [mailto:Sarah_Venuto@manchin.senate.gov]
Sent: Thursday, August 16, 2018 9:50 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Hey Ryan

Senator Manchin just gave you a call. We have been trying to schedule a call with your boss but I think he wants to talk to someone stay. He can be reached at Ex. 6

Sarah Venuto
Senator Joe Manchin III
Ex. 6

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 8/20/2018 8:50:43 PM
To: Niemeyer, Lucian L II HON OSD OUSD ATL (US) [lucian.l.niemeyer.civ@mail.mil]
Subject: Re: [Non-DoD Source]

Thanks. I'll connect with you.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

On Aug 20, 2018, at 4:48 PM, Niemeyer, Lucian L II HON OSD OUSD ATL (US) <lucian.l.niemeyer.civ@mail.mil> wrote:

Left you a vm. Traveling for the energy exchange through Thursday. Available by cell at number below,

Respectfully,

Lucian Niemeyer, cell Ex. 6

On Aug 20, 2018, at 10:49 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

Any time. I'm at Ex. 6 Probably take 5 minutes.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

On Aug 20, 2018, at 10:30 AM, Niemeyer, Lucian L II HON OSD OUSD ATL (US) <lucian.l.niemeyer.civ@mail.mil < Caution-mailto:lucian.l.niemeyer.civ@mail.mil > > wrote:

Good Morning RJ: When would be a good time to talk?

From: Jackson, Ryan <jackson.ryan@epa.gov < Caution-mailto:jackson.ryan@epa.gov > >

Sent: Friday, August 17, 2018 4:31 PM

To: Niemeyer, Lucian L II HON OSD OUSD ATL (US) <lucian.l.niemeyer.civ@mail.mil < Caution-mailto:lucian.l.niemeyer.civ@mail.mil > >

Subject: [Non-DoD Source]

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

When you get a moment, I wanted to reach you re the attached. I think there's a lot of misinformation swirling.

My cell is Ex. 6

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency

Ex. 6

Deliberative Document – Not Subject to FOIA

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 8/17/2018 11:17:43 AM
To: luke_holland@inhofe.senate.gov; jennie_wright@inhofe.senate.gov
Subject: DRAFT TALKERS.pdf
Attachments: DRAFT TALKERS.pdf; ATT00001.txt

Points for remarks, intervirews, oped, social media for after tuesday's announcement.

TALKING POINTS

- One of President Trump's earliest and most important executive orders directed EPA to review the Clean Power Plan (CPP) and repeal, replace, or revise it.
- This signaled to the nation that the war on coal is over and a new era of energy dominance is underway.
- CPP is an overreach of EPA's authority under the Clean Air Act. Instead of regulating individual sources, it tried to set national energy policy, the mix of our generation base.
- 150 entities, including 27 states, 24 trade associations, 37 rural electric co-ops, and three labor unions challenged the rule. A bipartisan majority of the U.S. Congress also formally disapproved of CPP.
- Because CPP exceeded the Agency's authority, the Supreme Court intervened and issued a historic stay. The Court had never before stayed a rule while a lower court was reviewing it.
- Independent economic analysis by NERA found that CPP's overreach would have cost up to \$292 billion and caused double digit electricity price increases in 40 states.
- These rising energy prices would have hurt low and middle-income Americans the most.
- According to a 2015 analysis that assessed the impact of high energy prices, middle-income Americans spend nearly 20% of their after-tax income on residential and transportation energy. Low-income Americans spend more than 20%.
- CPP would have hurt minorities and senior citizens disproportionately, since most live in low or middle-income households.
- According to Harry Alford, President of the National Black Chamber of Commerce, CPP would increase Black poverty by 23 percent and Hispanic poverty by 26 percent. It would result in cumulative job losses of 7 million for Blacks and nearly 12 million for Hispanics in 2035.
- Under President Trump, the unemployment rate for Black and Hispanic Americans is at an all-time low.
- Americans deserve better than CPP. From day one, President Trump listened to those who wanted him to roll back this punitive climate plan.
- Through the courts, EPA has a responsibility to regulate carbon dioxide (CO₂) emissions from power plants.
- We will not use that authority to pick winners and losers. Instead, we will operate within the four corners of the Clean Air Act. The era of top-down, one-size-fits-all mandates is over.
- EPA's proposed replacement rule sets greenhouse gas guidelines for power plants consistent with the law and respective of the states' important roles. Unlike CPP, the alternative rule ensures states will play their proper role under the Clean Air Act (section 111(d)) and our federalist system: they will be the ones to establish standards of performance for existing sources in line with EPA's emission guidelines.
- The rule will empower states to reduce emissions and provide modern, reliable power at an affordable cost for all Americans.
- One key element of the rule would update EPA's New Source Review permitting program to encourage our nation's power plants invest in the latest, most efficient technologies. These

permitting updates would also protect states against increased permitting burdens and wasteful compliance costs so they can focus their state plans on improving environmental outcomes instead of bureaucratic red tape.

- The rule will not interfere with states as they construct diverse, reliable energy portfolios.
- A diverse, reliable energy portfolio is essential to the President's goal of energy dominance.
- Energy dominance is good for America and good for the world. We can create real wealth and prosperity at home while providing true energy security to our allies across the globe.
- America is the gold standard for energy production and environmental protection.
- From 2010 to 2018, total U.S. energy-related carbon dioxide emissions will fall by nearly 7 percent, according to the Energy Information Administration. In contrast, global emissions are increasing by 10 percent. The U.S. is doing its part to address this problem *without* the Paris agreement or the failed and overreaching regulations of the prior administration; the champions of those failed policies are the ones not meeting their commitments.
- Additionally, since 1970, total emissions of the six criteria air pollutants regulated under the National Ambient Air Quality Standards established through the Clean Air Act have dropped 73 percent, while the economy grew over 250 percent.
- These achievements are attributed largely to American innovation and cooperation between the states and federal government to implement the nation's environmental laws.
- The Clean Power Plan would have stunted this progress through regulatory overreach. This rule will ensure America is a global leader in modern, reliable, affordable energy for decades to come.
- Carbon dioxide emissions from the power sector will continue to fall under this rule, but this will happen *legally* and with proper respect for the states, unlike CPP.

COST-BENEFIT of PROPOSAL:

- EPA's regulatory impact analysis (RIA) for this proposal includes a variety of scenarios. These scenarios are illustrative because the statute gives states in establishing standards of performance the flexibility to consider unit-specific factors including the unit's remaining useful life.
- The RIA calculates the benefits and costs of three replacement scenarios and one repeal scenario. All four scenarios find that the proposal will reduce CO2 emissions from their current level.
- EPA projects that replacing the CPP with the proposal could provide 400 million in annual net benefits. Complying with the proposal could cost 500 million less than the CPP's compliance costs.
- EPA estimated that the proposal could reduce 2030 CO2 emissions by 0.7% to 1.5% from projected levels without the CPP – equivalent to the annual emissions of 2.7 million to 5.3 million cars. The rule could also reduce co-pollutant emissions of SO2 and NOX by between 1% and 2% each and mercury by between 0.5% and 1%.
- These illustrative scenarios suggest that when states have fully implemented the proposal, U.S. power sector CO2 emissions could be 33% to 34% below 2005 levels. This is

comparable the reductions projected from CPP in 2015, but will be achieved in a legal and reasonable manner.

- This rule does not address the endangerment finding. EPA has six pending petitions challenging both the substance and the process of the endangerment finding. We are evaluating the best path forward. In the meantime, we have a responsibility to fill the void and provide regulatory certainty to the states and energy sector.

HOW IT WORKS

EPA's proposal would replace the CPP. It establishes emissions guidelines for state plans to address greenhouse gas (GHG) emissions from existing coal-fired power plants. Implementing Section 111(d) under the EPA proposal would be a three-step process:

- STEP 1: EPA would finalize guidelines that determine the Best System of Emission Reduction (BSER).
 - EPA evaluates technologies and practices that can be applied to or at a covered source to reduce emissions of a pollutant.
 - EPA is proposing to define BSER at existing coal-fired power plants as heat-rate efficiency improvements based on a range of “candidate technologies”—an “inside the fence-line” determination that focuses on how sources can perform better and does not attempt to force an accelerated shift to renewables at the grid-wide level.
 - EPA is not setting a presumptive standard of performance. States will be given the flexibility to design a plan that works for their citizens' environmental and energy needs.
- STEP 2: States would have 3 years from the date of finalization to prepare and submit a plan that establishes a standard of performance.
 - The states establish standards of performance that reflect the degree of emission limitation achievable through the application of the BSER.
 - The states will determine which of the “candidate technologies” can be applied to their sources, and determine what emission reductions will result.
 - States have a better understanding of the sources within their borders and can consider the unique factors of each unit, such as technology and practices that are already being implemented, remaining useful life, *etc.*
- STEP 3: Once a state plan is submitted, EPA would have 12 months to determine its approvability. In the event a state does not submit a plan or fails to submit an approvable plan, EPA would have 2 years to develop a federal plan.

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 8/23/2018 7:24:40 PM
To: Russell, Richard (EPW) [Richard_Russell@epw.senate.gov]
Subject: Re:

Thanks.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

On Aug 23, 2018, at 3:09 PM, Russell, Richard (EPW) <Richard_Russell@epw.senate.gov> wrote:

Have not heard of any problems.

Richard Russell
Staff Director
Committee on Environment & Public Works

On Aug 23, 2018, at 3:09 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Have Peter Wright and Chad McIntosh been cleared on the R side of the hotline?

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 8/13/2018 4:17:32 PM
To: Barlow Richardson, Michelle (Wicker) [Michelle_Richardson@wicker.senate.gov]
Subject: Re:

Well that sounds good and interesting.

I thought that may be true and Jen but just checking. No poaching.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

On Aug 13, 2018, at 10:13 AM, Barlow Richardson, Michelle (Wicker) <Michelle_Richardson@wicker.senate.gov> wrote:

Sorry I missed your call Friday. I just returned from a week in Africa. Tried your office today but got what felt like a generic voicemail so I'm not sure if you check it!

We hired Jen Jet just last month as our scheduler/executive assistant so she is off the market!

MBR

Michelle Barlow Richardson
Chief of Staff, U.S. Senator Roger F. Wicker
555 Dirksen, Washington, D.C. 20510
☎ 202-224-6253

<image001.png><image002.png><image003.png><image004.png><image005.png>

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 8/17/2018 8:31:18 PM
To: lucian.l.niemeyer.civ@mail.mil
Attachments: MeCl.docx

When you get a moment, I wanted to reach you re the attached. I think there's a lot of misinformation swirling.

My cell is Ex. 6

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency
Ex. 6

Deliberative Document – Not Subject to FOIA

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 8/16/2018 10:15:14 PM
To: Ex. 6
Subject: RE: CV and biosketch/executive Summary

Thank you so much for this. I'll be in touch soon.

From: Ex. 6
Sent: Friday, July 27, 2018 1:27 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: CV and biosketch/executive Summary
Importance: High

Dear Ryan,

I am truly sorry for the inordinate delay in sending you my CV and I sincerely apologize for that.

First, I thank you very much for reserving the time to meet with me at your office. I also thank you for providing me an opportunity to discuss the possibility of working at EPA.

I am not underestimating the challenges - some of which I may not be even appreciate the full magnitude. Please go over the attached CV and the biosketch; and let me know your thoughts.

Please do not hesitate to contact me if you have any questions.

Thanks again for your time,

Regards,

Ex. 6

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 8/3/2018 8:26:26 PM
To: Womack, Todd (Corker) [Todd_Womack@corker.senate.gov]
Subject: Re: Resume

Will do and thanks for the suggestion.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

On Aug 3, 2018, at 4:22 PM, Womack, Todd (Corker) <Todd_Womack@corker.senate.gov> wrote:

Ryan—

It was great to be with you last week. Hope we can do it again very soon.

You mentioned you are looking for a scheduler. I am not quite ready to give her up, but despite that apprehension, wanted to share the resume of my assistant and our assistant scheduler, Hayly Humphreys. She is great and would definitely be worth a conversation.

Have a great weekend.

Todd

From: Humphreys, Hayly (Corker)
Sent: Thursday, July 26, 2018 11:59 AM
To: Womack, Todd (Corker) <Todd_Womack@corker.senate.gov>
Subject: Resume

Hayly Humphreys

U.S. Senator Bob Corker (R-Tenn.)
(202) 224-3344

[Sign up to receive email updates from Senator Corker.](#)

<image001.png><image002.png><image003.png><image004.png>

<Hayly Humphreys' Resume.pdf>

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 8/12/2018 11:10:40 PM
To: John C. Cruden [JCruden@bdlaw.com]
CC: Allan Gates [agates@mwlaw.com]; Dickerson, Aaron [dickerson.aaron@epa.gov]
Subject: RE: RE: Re:

Ok. Well, let's plan on both then.

Aaron can help us find the best time for the webinar. I think some dates in later August and early September were originally proposed?

And he would definitely like to confirm to the WY event in October.

And yes, for me, just let me know what may be most convenient.

Thanks again.

Ryan

From: John C. Cruden [mailto:JCruden@bdlaw.com]
Sent: Tuesday, July 31, 2018 11:44 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Allan Gates <agates@mwlaw.com>; Dickerson, Aaron <dickerson.aaron@epa.gov>
Subject: Re: RE: Re:

Excellent. I will have Allan Gates follow up with his scheduler to confirm details.

The webinar would be from his office, by phone, and would be off the record. Three of your AAs have already done a webinar and, as you know, I would like you to do one as well. We have used the webinar to explore the background of the speakers, talk about priorities and challenges, and then address specific questions provided in advance to the speaker.

If Andrew was willing, and we could make our mutual schedules work, I would be his interviewer.

Best

John

By John C Cruden

On Jul 31, 2018, at 11:25 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

He would like to tentatively confirm for the conference the first week of October in WY.

Is the webinar a call in or electronic contribution or an in person speech?

From: John C. Cruden [<mailto:JCruden@bdlaw.com>]
Sent: Tuesday, July 31, 2018 11:14 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Allan Gates <agates@mwlaw.com>
Subject: Re:

Thanks Ryan

The American College of Environmental Lawyers has two outstanding requests for Andrew to speak. Our highest priority would be for him to come to our annual conference in Grand Teton National park in early October and be our keynote speaker. The audience is completely bipartisan, quite knowledgeable, and respectful. Last Friday Susan Bodine led a webinar for the College which drew rave reviews.

We have also invited him to do a webinar in August and I mentioned it to him when I saw him briefly at a restaurant. If he could not come to the conference we would still like him to do so, but our first request would be the conference.

The conference starts with a reception the evening of Thursday October 4 and lasts all day Friday and half day on Saturday. If Andrew can come we would welcome him anytime during the conference that works for him, but would need to know fairly soon as we are locking in the agenda which has multiple speakers.

Matt Leopold is also planning on coming and we are working with him now on his schedule.

While I am president of the College, the President elect is a very distinguished lawyer from Arkansas, Allan Gates, who I am including on this e mail as he has overall responsibility for the conference.

Warm regards

John

President
American College of Environmental Lawyers

By John C Cruden

On Jul 31, 2018, at 8:18 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Good morning, John.

We have a couple of invitations for Andrew to speak with the ACOEL. One's an interview and one's a speaking event in WY in October. I believe Andrew would like to attend the event in October and try to couple it with meetings with Senator Barrasso, so I wanted to check with you on how you'd like to handle the interviews and speaking event. Much appreciated. Ryan.

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency

Ex. 6

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 7/30/2018 9:29:26 PM
To: Suzy Tompkins [Ex. 6 - Personal Email]
CC: Binder, Gordon [gordon.binder@wwfus.org]; Dickerson, Aaron [dickerson.aaron@epa.gov]
Subject: RE: checking back about Reilly meeting

Thank you very much. We will get back with you very shortly today.

From: Suzy Tompkins [Ex. 6 - Personal Email]
Sent: Monday, July 30, 2018 5:29 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Binder, Gordon <gordon.binder@wwfus.org>; Dickerson, Aaron <dickerson.aaron@epa.gov>
Subject: Re: checking back about Reilly meeting

Dear Ryan,

Late afternoon on August 1 would work well. Could you please confirm the time and location?

Thank you,
Suzy Tompkins
EA to William K. Reilly

Sent from my iPhone

On Jul 30, 2018, at 8:16 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Thank you, Gordon, I'm sorry for the delay. I know that Mr. Reilly's schedule may be full but would later in the afternoon of Aug 1 work or mid morning on Aug 2?

As always, much appreciated.

Ryan Jackson
Chief of Staff
U.S. EPA

[Ex. 6]

On Jul 24, 2018, at 7:38 AM, Binder, Gordon <gordon.binder@wwfus.org> wrote:

Bill's trip to DC is this weekend for a board meeting...we had suggested Monday/Jly 30, Wed/Aug 1 or Thur am/Aug 2 for a possible meeting with Mr. Wheeler. If dates don't work, we can look at the next DC trip.

I'm cc'ing Suzy Tompkins, Bill's ass't in SF who can pin down date and time that would work

Gordon Binder

Ex. 6

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 8/7/2018 10:16:54 PM
To: parish.braden@mail.house.gov

Parish, I tried to leave a message for you earlier today, but I don't think the system was working. Can you call me when you get an opportunity? Ex. 6

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency

Ex. 6

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 7/31/2018 9:41:40 PM
To: Holland, Luke (Inhofe) [Luke_Holland@inchofe.senate.gov]; jennie_wright@inchofe.senate.gov
Subject: FW:
Attachments: Graphic FOIA Requests Recieved FY15-17.png

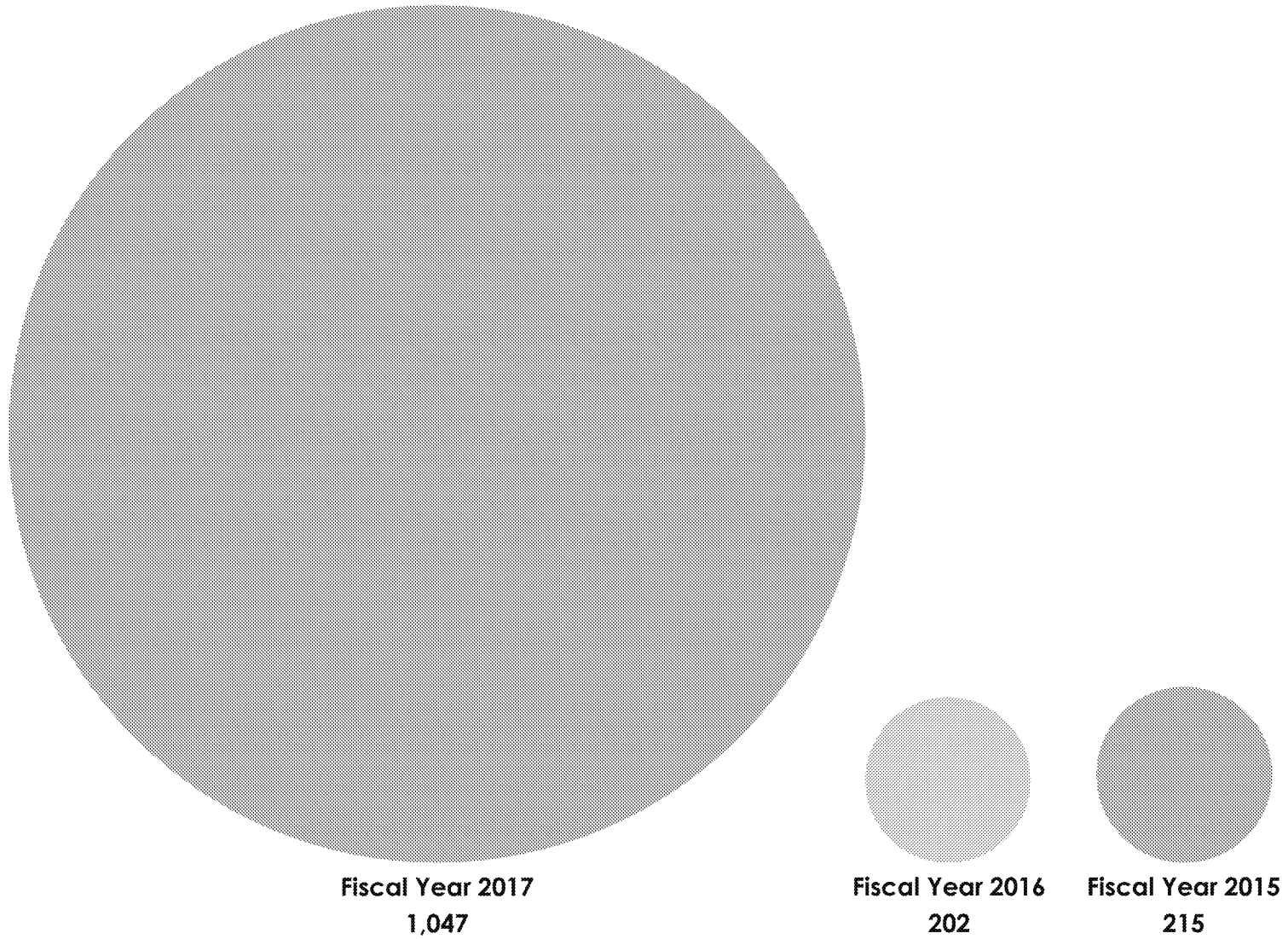
I thought you might be interested in the amount of FOIA's EPA's Office of the Administrator alone has received.

Not air, water, land, general counsel, research and development, chemicals or other program offices. Just the Office of the Administrator. Nice chart.

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency

Ex. 6

AO Requests Received by Fiscal Year



Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 7/31/2018 9:41:08 PM
To: Russell, Richard (EPW) [Richard_Russell@epw.senate.gov]; Memmott, Justin (EPW) [Justin_Memmott@epw.senate.gov]
Attachments: Graphic FOIA Requests Recieved FY15-17.png

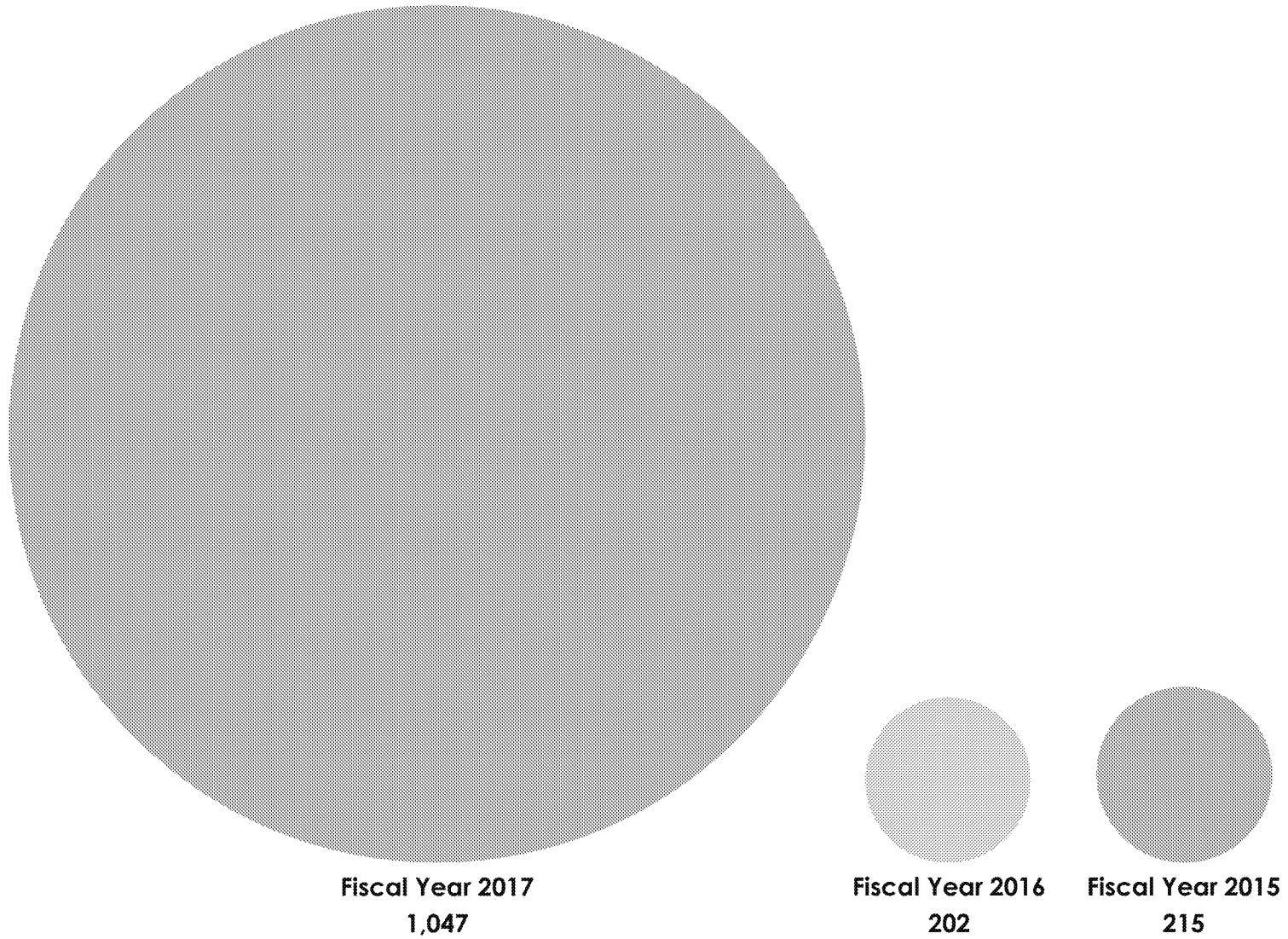
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Not air, water, land, general counsel, research and development, chemicals or other program offices. Just the Office of the Administrator.

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency

Ex. 6

AO Requests Received by Fiscal Year



Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 7/31/2018 12:09:07 PM
To: Binder, Gordon [gordon.binder@wwfus.org]
Subject: RE: checking back about Reilly meeting

Perfect. Thank you, sir.

From: Binder, Gordon [mailto:gordon.binder@wwfus.org]
Sent: Tuesday, July 31, 2018 7:25 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: checking back about Reilly meeting

I'm only in Tues-Thurs and catching up on emails... I do see the meeting's been set for tomorrow 4:30... glad this worked out

Gordon

From: Jackson, Ryan <jackson.ryan@epa.gov>
Sent: Monday, July 30, 2018 11:17 AM
To: Binder, Gordon <gordon.binder@wwfus.org>
Cc: Suzy Tompkins [Ex. 6 - Personal Email] Dickerson, Aaron <dickerson.aaron@epa.gov>
Subject: Re: checking back about Reilly meeting

Thank you, Gordon, I'm sorry for the delay. I know that Mr. Reilly's schedule may be full but would later in the afternoon of Aug 1 work or mid morning on Aug 2?

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Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

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Bill's trip to DC is this weekend for a board meeting... we had suggested Monday/Jly 30, Wed/Aug 1 or Thur am/Aug 2 for a possible meeting with Mr. Wheeler. If dates don't work, we can look at the next DC trip.

I'm cc'ing Suzy Tompkins, Bill's ass't in SF who can pin down date and time that would work

Gordon Binder

Ex. 6

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 7/30/2018 10:26:30 PM
To: mark.marin@mail.house.gov

Hey mark. Wanted to try to leave a message for you but could I reach you when you get a chance?

Ex. 6

Ex. 6

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 8/6/2018 5:29:37 PM
To: David Dunlap [Ex. 6 - Personal Email]
Subject: RE: Dunlap - Resume

Justina Fugh.

From: David Dunlap [Ex. 6 - Personal Email]
Sent: Monday, August 6, 2018 1:29 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Re: Dunlap - Resume

Her name?

From: Jackson, Ryan <jackson.ryan@epa.gov>
Sent: Monday, August 6, 2018 1:27:40 PM
To: David Dunlap
Subject: RE: Dunlap - Resume

I'm going to have our career ethics counsel call you to talk work and financials so she can simply gather information on what you may be recused from working on.

From: David Dunlap [Ex. 6 - Personal Email]
Sent: Monday, August 6, 2018 1:22 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Dunlap - Resume

Attached.

What's next?

DDD

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 7/16/2018 11:21:43 AM
To: Martin, Mary [Mary.Martin@mail.house.gov]
Subject: Re: Letter to Ranking Member Elijah E. Cummings Regarding EPA's FOIA Expert Assistance Team.Final.pdf

Please use however you see fit. The briefing offer for any committee is very serious. We take making the FOIA process working very seriously, and we are focusing on clearing the remaining backlog and settling pending suits. However, I think it would impress anyone with the amount we receive.

This was written by our chief career deputy general counsel who is also our chief ethics official. I also believe it's important to point out that despite excerpts used in a politically charged letter from House Oversight Democrats, the interview's entire FOIA conversation with me lasted close to an hour. I'm no longer going to maintain the confidentiality of that interview with committee Democrats behaving the way they are.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

> On Jul 15, 2018, at 11:35 PM, Martin, Mary <Mary.Martin@mail.house.gov> wrote:

>

> Thanks, Ryan!

>

>> On Jul 15, 2018, at 7:19 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

>>

>> <Letter to Ranking Member Elijah E. Cummings Regarding EPA's FOIA Expert Assistance Team.Final.pdf>

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>> Ryan Jackson
>> Chief of Staff
>> U.S. EPA

Ex. 6

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 7/15/2018 5:56:08 PM
To: Lyons, Troy [lyons.troy@epa.gov]; liz_bowman@ernst.senate.gov
Subject: Fwd: Media Advisory: Acting Administrator Wheeler to Meet with Washington County Chamber of Commerce

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

Begin forwarded message:

From: "EPA Press Office" <press@epa.gov>
Date: July 15, 2018 at 1:00:01 PM EDT
To: "jackson.ryan@epa.gov" <jackson.ryan@epa.gov>
Subject: **Media Advisory: Acting Administrator Wheeler to Meet with Washington County Chamber of Commerce**
Reply-To: press@epa.gov



U.S. ENVIRONMENTAL PROTECTION AGENCY
NEWS RELEASE
WWW.EPA.GOV/NEWSROOM

*****MEDIA ADVISORY*****

**Acting Administrator Wheeler to Meet with Washington County
Chamber of Commerce in Pennsylvania**

WASHINGTON (July 15, 2018) — On Monday, July 16, 2018, U.S. Environmental Protection Agency (EPA) Acting Administrator Andrew Wheeler will be meeting with the Washington County Chamber of Commerce in Canonsburg, PA.

WHO: Acting EPA Administrator Andrew Wheeler
EPA Region 3 Administrator Cosmo Servidio
Washington County, PA Chamber of Commerce leadership and members

WHAT: Open press

WHERE: Accutrex Products, Inc.
112 Southpointe Blvd.
Canonsburg, PA 15317

WHEN: Monday, July 16, 2018
1:00 PM - 1:15 PM

Credentialed press please RSVP prior to 10:00 AM on Monday, July 16 at press@epa.gov.

<!--[if !mso]-->[Visit The EPA's Newsroom](#)<!--[endif]-->



U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

[Unsubscribe](#)



Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 7/16/2018 11:18:42 AM
To: Castor, Stephen [Stephen.Castor@mail.house.gov]
Subject: Re: Letter to Ranking Member Elijah E. Cummings Regarding EPA's FOIA Expert Assistance Team.Final.pdf

The briefing offer is very serious. We take making the FOIA process working very seriously, and we are focusing on clearing the remaining backlog and settling pending suits. However, I think it would impress anyone with the amount we receive.

This was written by our chief career deputy general counsel who is also our chief ethics official. I also believe it's important to point out that despite excerpts used in a politically charged letter, the interview's entire FOIA conversation lasted close to an hour.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

> On Jul 15, 2018, at 11:35 PM, Castor, Stephen <Stephen.Castor@mail.house.gov> wrote:
>
> Thanks for quick reply here.
>
>> On Jul 15, 2018, at 7:43 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:
>>
>> <Letter to Ranking Member Elijah E. Cummings Regarding EPA's FOIA Expert Assistance Team.Final.pdf>
>>
>>
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>> Ryan Jackson
>> Chief of Staff
>> U.S. EPA
>> Ex. 6

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 7/12/2018 4:25:29 PM
To: Jason Albritton [jason.albritton@TNC.ORG]
Subject: RE: RE:

Yes. Ex. 6

From: Jason Albritton [mailto:jason.albritton@TNC.ORG]
Sent: Thursday, July 12, 2018 12:16 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE:

Ryan,

Great to hear from you and thanks for the heads up. Could I give you a call to get more background/context on the event?

Jason

From: Jackson, Ryan [mailto:jackson.ryan@epa.gov]
Sent: Wednesday, July 11, 2018 5:27 PM
To: Jason Albritton <jason.albritton@TNC.ORG>
Subject:

Jason, Andrew will hopefully be visiting with a TNC chapter in Pittsburg on July 16. I wanted to provide you a heads up on that and loop HQ in if you would like. Hope all is well.

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency

Ex. 6

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 7/11/2018 7:00:44 PM
To: Lisa Friedman [lisa.friedman@nytimes.com]
Subject: RE: Hi

I'm sorry I missed you.

From: Lisa Friedman [mailto:lisa.friedman@nytimes.com]
Sent: Wednesday, July 11, 2018 2:21 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Hi

Tried to say a hello in person earlier but you were tied up pre-speech. Hope we can chat at some point.
Lisa

--

Lisa Friedman
Reporter, New York Times

Ex. 6

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 7/17/2018 4:27:06 PM
To: Eric Wolff [ewolff@politico.com]; Konkus, John [konkus.john@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]
Subject: RE: Letter to Ranking Member Elijah E. Cummings Regarding EPA's FOIA Expert Assistance Team.Final.pdf

Anytime. We appreciate the opportunity to offer our perspective and information.

From: Eric Wolff [mailto:ewolff@politico.com]
Sent: Tuesday, July 17, 2018 12:08 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Konkus, John <konkus.john@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: Re: Letter to Ranking Member Elijah E. Cummings Regarding EPA's FOIA Expert Assistance Team.Final.pdf

Thanks for this and your time!

On Tue, Jul 17, 2018 at 11:54 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

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Eric Wolff
Energy Reporter
POLITICO

Ex. 6

ewolff@politico.com
@ericwolff

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 7/15/2018 11:45:56 PM
To: michal_freedhoff@epw.senate.gov
Subject: Letter to Ranking Member Elijah E. Cummings Regarding EPA's FOIA Expert Assistance Team.Final.pdf
Attachments: Letter to Ranking Member Elijah E. Cummings Regarding EPA's FOIA Expert Assistance Team.Final.pdf; ATT00001.txt



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

OFFICE OF
GENERAL COUNSEL

July 15, 2018

The Honorable Elijah E. Cummings
Ranking Member
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Ranking Member Cummings:

In a letter from you in your capacity as the Ranking Member of the Committee on Oversight and Government Reform (Committee) to the Honorable Trey Gowdy, Chairman of the Committee, you raised questions regarding the Environmental Protection Agency's (EPA's) process for responding to Freedom of Information Act (FOIA) requests. The letter highlighted the role of EPA's FOIA Expert Assistance Team (FEAT) in that process. I write to provide information as to the origin and role of the FEAT, and to offer to brief Committee staff on the same.

In 2013, EPA's FOIA program was routinely the subject of litigation, public criticism, and Congressional oversight (including oversight by this Committee). Then-Acting Administrator of EPA Robert Perciasepe turned to me and my counterpart in the Office of Environmental Information and gave us the following task: make the FOIA process at EPA better. In response, the FOIA Expert Assistance Team, affectionately known as the FEAT, was created. The purpose of the FEAT was to provide strategic direction and project management assistance on the most challenging or complex FOIA requests. Here is how the FEAT was described in its original Functional Statement:

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In addition to work on specific FOIA requests, the FEAT also helped keep senior leaders informed of new requests that the agency received each week, coordinated inter-agency review with the Executive Office of the President (EOP) where the EOP had equities in the responsive documents, and made senior leaders aware of impending FOIA productions. There are multiple benefits to making senior leaders – political and career – aware of productions before they are actually produced: the Office of Congressional and Intergovernmental Affairs can determine if the documents are also responsive to a Congressional request for information and, if so, ensure Congress receives the documents at the same time or slightly before the requestor; the Office of Public Affairs can prepare any communications materials deemed necessary based on the documents to be produced; when the documents are from or about a particular employee, keeping that employee informed throughout the process when appropriate, including at the response stage, can significantly increase their confidence in and respect for the FOIA Program into the future; and, while not meant as a quality control tool, to the extent a mistake is identified, it can be corrected. This “awareness review” process does not itself violate FOIA and can be completed without causing undue delay.

In early 2017, the FEAT began to take on a new responsibility: providing programmatic training and support to an office that was struggling to meet its FOIA responsibilities. FEAT members were “embedded” with OGC’s External Civil Rights Compliance Office and OGC’s Ethics Office to help those offices gain experience and confidence in their FOIA abilities. Based in part on that experience, EPA Chief of Staff Ryan Jackson asked the FEAT to assist the Administrator’s Office (AO) in improving its FOIA program. The AO had seen a 415% increase in the number of incoming FOIA requests compared to 2016 and the volume had overwhelmed the small staff that was designated to respond to such requests. The AO Centralization Pilot Project was designed to see if the FEAT could “deploy” to an office within EPA, assess the strengths and weaknesses of the office’s current FOIA program, and build a consolidated cadre of employees who would be focused exclusively on FOIA and other information requests. The expectation was that by centralizing and prioritizing the responsibility for FOIA requests, the office would produce more timely responses with fewer errors that necessitated less resources.

After multiple lean events and prototype exercises, the FEAT and representatives from the AO Immediate Office (OEX), the Office of Public Affairs (OPA), the Office of Policy (OP) and the Office of Congressional and Intergovernmental Relations (OCIR) (collectively referred to as AO4) began to implement the AO FOIA Centralization Pilot Project on April 31, 2018. With the support of the Chief of Staff, the FEAT hired three new employees to support this effort, and AO4 offices recruited new information experts as well. Currently, the FEAT is coordinating the centralized FOIA efforts for the 1,453 FOIA requests pending with the AO4 offices (as of June 18, 2018).

Through the Pilot Project, the FEAT and the AO4 Offices have built a foundation for a dramatically improved FOIA program. The team painstakingly categorized 1,442 requests and assigned a project lead for each. There was no existing categorization scheme for the team to turn to, so as they reviewed the requests they developed a unique taxonomy for classifying all existing and incoming requests. They also began the practice of stamping each document processed as part of the pilot with a unique identifier so that every document can be tracked at all stages of the response process.

These behind the scenes efforts enabled two key advancements that generated tangible results for requestors. First, on June 6, 2018, every one of the 1,163 requestors with a request pending in the AO4 received an update on their specific request that included a tracking number, where the request currently stood in the queue of pending requests, and an estimated response date. Many of those dates were months into the future, and so the letters offered the assistance of EPA's FOIA Public Liaison and the Office of Government Information Services, and committed to providing interim releases, if possible. That commitment is meaningful, because the second advancement is that release to one requestor now means release to all. The agency often receives multiple requests for the same information. Because the team has now identified every pending request as relating to one or more standardized subject areas, and because when the team reviews a document it also identifies that document as relating to one or more of the same standardized subject areas, the team can instantly identify all pending requests to which a document is responsive and send the production to each of those requestors as well. That innovation alone has incredible potential to reduce the time it takes the AO to respond to requests. While much more progress must be made, since implementation, the team has completed its response to 100 requests and provided interim responses to 341 additional requests.

EPA's FOIA program is far from perfect. The number of requests that are pending for more than the statutory or agreed upon time for responding has increased. As a result, EPA now faces over 70 lawsuits under FOIA – a 500% increase over the pre-2017 high. Ultimately, the head of an agency sets the tone and the commitment of EPA's senior leaders will be essential for the program to improve. The work of the FEAT and the AO4 Team, however, has laid a foundation from which EPA's FOIA program could be a model of what a FOIA program should be, not an example of what a FOIA program should not be. I invite you, other members of the Committee, and Committee staff to visit our offices to see first-

hand the effort that is being made and the work that has been done to put the agency on the cusp of that future. If you have further questions or would like to schedule a briefing, you may contact me at minoli.kevin@epa.gov or (202) 564-8064, or your staff may contact Neil Bigioni, Acting Director, National FOIA Office, at bigioni.neil@epa.gov or (202) 564-2281, or Kristien Knapp, Office of Congressional and Intergovernmental Relations at knapp.kristien@epa.gov or (202) 564-3277.

Sincerely,

A handwritten signature in dark ink, appearing to read "K. S. Minoli", written in a cursive style.

Kevin S. Minoli
Principal Deputy General Counsel &
Designated Agency Ethics Official

cc: The Honorable Trey Gowdy
Chairman, Committee on Oversight and Government Reform

Message

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Sent: 7/15/2018 11:43:26 PM
To: stephen.castor@mail.house.gov
Subject: Letter to Ranking Member Elijah E. Cummings Regarding EPA's FOIA Expert Assistance Team.Final.pdf
Attachments: Letter to Ranking Member Elijah E. Cummings Regarding EPA's FOIA Expert Assistance Team.Final.pdf; ATT00001.txt



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

OFFICE OF
GENERAL COUNSEL

July 15, 2018

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Ranking Member
Committee on Oversight and Government Reform
U.S. House of Representatives
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Sincerely,

A handwritten signature in dark ink, appearing to read "K S Minoli", written in a cursive style.

Kevin S. Minoli
Principal Deputy General Counsel &
Designated Agency Ethics Official

cc: The Honorable Trey Gowdy
Chairman, Committee on Oversight and Government Reform

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 7/17/2018 8:20:11 PM
To: Freedhoff, Michal (EPW) [Michal_Freedhoff@epw.senate.gov]
Subject: RE: EDF blog post: Trump's EPA pivots yet again on reviews of new chemicals under TSCA, leaving public and worker health in the dust

Whatever.

From: Freedhoff, Michal (EPW) [mailto:Michal_Freedhoff@epw.senate.gov]
Sent: Tuesday, July 17, 2018 4:18 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: FW: EDF blog post: Trump's EPA pivots yet again on reviews of new chemicals under TSCA, leaving public and worker health in the dust

Full post available at <http://blogs.edf.org/health/>. If you would like to opt out of receiving these emails, please [click here](#).

Trump's EPA pivots yet again on reviews of new chemicals under TSCA, leaving public and worker health in the dust

By Richard Denison / Bio / Published: July 17, 2018

Richard Denison, Ph.D., is a Lead Senior Scientist.

EDF has learned from multiple sources that political appointees at the Environmental Protection Agency (EPA) are on the verge of taking yet another huge lurch away from what the 2016 reforms to the Toxic Substances Control Act (TSCA) require when EPA reviews the safety of new chemicals prior to their market entry. A reporter at Bloomberg Environment has heard the same thing, and published an article this morning on some of the changes.

The Trump EPA apparently intends to abandon its November 2017 "New Chemicals Decision-Making Framework," which already strayed far from the law's requirements. That approach would have allowed EPA staff to limit their review of a new chemical only to the *intended uses* identified by its manufacturer, despite the law's clear mandate that EPA consider *known or reasonably foreseen*, as well as intended, uses when conducting its review. Under the framework, where EPA had concerns about reasonably foreseen but not intended uses – rather than issue an order as required by the law – EPA would take two other steps: make a "not likely to present an unreasonable risk" determination for the chemical, clearing it to enter commerce; and

issue a Significant New Use Rule (SNUR), which could trigger a separate, future review on any subsequently intended use, wholly divorced from the initial review.

Initially, EPA staff indicated the “not likely” finding would be made only once a *final* SNUR had been promulgated. That then slipped to have issuance of the finding coincide with the *proposal* of the SNUR. That then slipped further to allow the finding to be issued based on EPA’s mere *intent to develop* a SNUR.

Now, however, the Trump EPA plans to decouple completely its ability to issue a “not likely” finding from any dependency at all on promulgation of a SNUR. How then, you might well ask, would EPA consider reasonably foreseen uses of a new chemical? The short answer is, it won’t. [Read More »](#)

This e-mail and any attachments may contain confidential and privileged information. If you are not the intended recipient, please notify the sender immediately by return e-mail, delete this e-mail and destroy any copies. Any dissemination or use of this information by a person other than the intended recipient is unauthorized and may be illegal.

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 7/19/2018 12:53:32 PM
To: Mike Flynn [Ex. 6 - Personal Email]
CC: Dickerson, Aaron [dickerson.aaron@epa.gov]
Subject: Re: Brief meeting with Andrew Wheeler

Perfect.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

On Jul 19, 2018, at 8:49 AM, Mike Flynn [Ex. 6 - Personal Email] wrote:

Hi Aaron,

Hope all is well with you. I had a recent email exchange with Andrew and he indicated he would like to visit again with me. Can you help set up a few minutes with him? No rush on my part - I understand he is very busy.

Thanks much,
Mike

Ex. 6

Sent from my iPhone

Begin forwarded message:

From: "Burton, Tamika" <burton.tamika@epa.gov>
Date: July 18, 2018 at 3:18:25 PM EDT
To: Mike Flynn [Ex. 6 - Personal Email]
Cc: "Dickerson, Aaron" <dickerson.aaron@epa.gov>
Subject: Re: Hi and Question

Hi Mike!

I hope all is well! Aaron Dickerson can assist with this! I'll cc him here!
Ps all the plants are still alive!!

Best Regards,
Tamika Burton
Staff Assistant to the Deputy Administrator Andrew Wheeler

Immediate Office of the Administrator
MC 1104A Room 3412 WJC North
(202) 564-4771 (d)

Ex. 6

burton.tamika@epa.gov

On Jul 18, 2018, at 2:45 PM, Mike Flynn **Ex. 6 - Personal Email** wrote:

Hi Tamika!

Hope you are doing well. Lots of changes there since we last talked.

I have a simple question. Who is handling Andrew Wheeler's scheduling? I need to set up a brief meeting with him sometime in the coming weeks. This would be just a short visit with me that he suggested we have.

Thanks for your help.

Mike Flynn

Ex. 6

Sent from my iPhone

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 7/15/2018 11:20:03 PM
To: luke_holland@inhofe.senate.gov
Subject: Letter to Ranking Member Elijah E. Cummings Regarding EPA's FOIA Expert Assistance Team.Final.pdf
Attachments: Letter to Ranking Member Elijah E. Cummings Regarding EPA's FOIA Expert Assistance Team.Final.pdf; ATT00001.txt



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

OFFICE OF
GENERAL COUNSEL

July 15, 2018

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Ranking Member
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U.S. House of Representatives
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Kevin S. Minoli
Principal Deputy General Counsel &
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cc: The Honorable Trey Gowdy
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Sent: 7/15/2018 11:19:53 PM
To: Chris_Tomassi@appro.senate.gov
Subject: Letter to Ranking Member Elijah E. Cummings Regarding EPA's FOIA Expert Assistance Team.Final.pdf
Attachments: Letter to Ranking Member Elijah E. Cummings Regarding EPA's FOIA Expert Assistance Team.Final.pdf; ATT00001.txt



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

OFFICE OF
GENERAL COUNSEL

July 15, 2018

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Ranking Member
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, D.C. 20515

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Message

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Sent: 7/17/2018 11:38:08 PM
To: Eric Wolff [ewolff@politico.com]
CC: Konkus, John [konkus.john@epa.gov]
Subject: Re: EPA chief of staff: Agency aims to clear FOIA backlog in "a few months"

Thank you.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

On Jul 17, 2018, at 7:24 PM, Eric Wolff <ewolff@politico.com> wrote:

Hi,

We're fixing the story to address these concerns. I understood from our conversation that the intent was to get caught up, and that's why the lead sentence said "EPA hopes to". I felt that captured what you were saying. As for the question of following an outcry, that got compressed in editing but we're addressing that as well.

Sorry for the confusion.

- Eric

On Tue, Jul 17, 2018 at 5:55 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

This article is not true. We did not initiate hiring new staffers due to some outcry. We started hiring new staff, as I told, you prior to April. Three joined around April or later, and we are in the process of hiring more. No outcry started this process. This is what we needed to do. That was clearly explained to you. I also did not tell you that EPA is clearing our backlog in a few months. I said we were working to clear and respond to FOIA's in the administrator's office within a few months we hope, but that while we receive 40-60 new FOIAs each week it may be a challenge.

From: POLITICO Pro Energy Whiteboard [mailto:politicoemail@politicopro.com]
Sent: Tuesday, July 17, 2018 5:07 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: EPA chief of staff: Agency aims to clear FOIA backlog in "a few months"

By Eric Wolff

07/17/2018 05:05 PM EDT

EPA hopes to clear a backlog of requests for records from the administrator's office "within the next few months," agency chief of staff Ryan Jackson told POLITICO today.

Following an outcry over unanswered Freedom of Information Act requests that grew under former EPA Administrator Scott Pruitt, the agency has worked to streamline how it processes requests and is in the process of hiring six to nine new staffers for its FOIA office, Jackson said in a phone interview. He said the agency also faced a backlog dating back to the George W. Bush administration.

"I believe that we have an organization in place now that will be able to response to these and get the FOIA requests answered, get FOIA lawsuits settled and completed we hope," he said.

"What I mean is, 1) either entirely responded, or 2) be in the process of providing documents on a rolling basis that the requester can expect on rely on," Jackson added.

EPA has seen jumps in both the number of requests and the number of lawsuits for failing to act quickly. Rep. [Elijah Cummings](#) (D-Md.), the top Democrat on the House Oversight Committee, last week demanded he be allowed to issue subpoenas due to abuses of FOIA.

In a [response](#) to Cummings sent Sunday, EPA principal deputy general counsel Kevin Minoli told Cummings and Oversight Chairman [Trey Gowdy](#) the agency had been working to clear up a long backlog of requests, including deploying a special team to help an overwhelmed staff in the Office of Administrator to deal with the increase.

To view online:

<https://subscriber.politicopro.com/energy/whiteboard/2018/07/epa-chief-of-staff-agency-aims-to-clear-foia-backlog-in-a-few-months-691906>

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Somewhat



Neutral



Not really



Not at all

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This email was sent to jackson.ryan@epa.gov by: POLITICO, LLC [1000 Wilson Blvd.](#)
[Arlington, VA, 22209, USA](#)

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Eric Wolff
Energy Reporter
POLITICO

Ex. 6

ewolff@politico.com
[@ericwolff](#)

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OFFICE OF
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July 15, 2018

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Importance: High



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Sincerely,

A handwritten signature in dark ink, appearing to read "K. S. Minoli", written in a cursive style.

Kevin S. Minoli
Principal Deputy General Counsel &
Designated Agency Ethics Official

cc: The Honorable Trey Gowdy
Chairman, Committee on Oversight and Government Reform

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 7/15/2018 11:19:23 PM
To: mary.martin@mail.house.gov
Subject: Letter to Ranking Member Elijah E. Cummings Regarding EPA's FOIA Expert Assistance Team.Final.pdf
Attachments: Letter to Ranking Member Elijah E. Cummings Regarding EPA's FOIA Expert Assistance Team.Final.pdf; ATT00001.txt



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

OFFICE OF
GENERAL COUNSEL

July 15, 2018

The Honorable Elijah E. Cummings
Ranking Member
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Ranking Member Cummings:

In a letter from you in your capacity as the Ranking Member of the Committee on Oversight and Government Reform (Committee) to the Honorable Trey Gowdy, Chairman of the Committee, you raised questions regarding the Environmental Protection Agency's (EPA's) process for responding to Freedom of Information Act (FOIA) requests. The letter highlighted the role of EPA's FOIA Expert Assistance Team (FEAT) in that process. I write to provide information as to the origin and role of the FEAT, and to offer to brief Committee staff on the same.

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Under the supervision of the Senior Counsel, this unit provides legal counsel on all issues pertaining to selected FOIA requests that have been determined to be [the] most complex and/or potentially sensitive requests received across the Agency. Utilizing an extraordinary breadth of FOIA knowledge and experience, together with in-depth organizational and external awareness, the team provides advice and guidance to the highest echelons of management within the Agency.

Throughout its history, there have been three ways a FOIA request became a “FEAT FOIA”: a request from the lead office, a request from the Office of the Administrator, and an independent decision by the FEAT Director. The FEAT would engage on approximately 3% of EPA’s FOIA requests each year, with the level of engagement on each request adjusting to the specific needs presented by that request. Among the first FEAT “deployments” – where DC-based experts travel to locations across the agency to help lead a response to a FOIA request – was the Team’s engagement with EPA’s Region 10 in response to requests related to Bristol Bay, Alaska. Other major “FEAT FOIAs” include requests related to the spill of polluted water from Gold King Mine, EPA’s response to Volkswagen’s use of defeat devices, and drinking water contamination in Flint, Michigan.

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Sincerely,

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Kevin S. Minoli
Principal Deputy General Counsel &
Designated Agency Ethics Official

cc: The Honorable Trey Gowdy
Chairman, Committee on Oversight and Government Reform

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 7/2/2018 12:22:48 PM
To: Joanna Slaney [jslaney@edf.org]
Subject: RE: methylene chloride rule

Yes, so Friday DOD and I believe HHS provided additional comments to a panel of agencies OMB organized. I was out on Friday, but regrouping with OSCPP this morning in particular Jeff Morris, who is EPA's representative on that panel, to see what further we need to finalize the rule.

From: Joanna Slaney [mailto:jslaney@edf.org]
Sent: Friday, June 29, 2018 12:03 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: methylene chloride rule

Hi Ryan,

Checking if there's any progress. We're heading up on two months since EPA announced that they would be finalizing the rule, and there's frustration that nothing has been announced. Any new news?

Thanks,
Joanna



Joanna Slaney
Legislative Director, Health

Environmental Defense Fund
1875 Connecticut Ave, NW, Suite 600
Washington, D.C. 20009

Ex. 6
jslaney@edf.org

This e-mail and any attachments may contain confidential and privileged information. If you are not the intended recipient, please notify the sender immediately by return e-mail, delete this e-mail and destroy any copies. Any dissemination or use of this information by a person other than the intended recipient is unauthorized and may be illegal.

Message

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Sent: 7/15/2018 11:19:08 PM
To: richard_russell@epw.senate.gov
Subject: Letter to Ranking Member Elijah E. Cummings Regarding EPA's FOIA Expert Assistance Team.Final.pdf
Attachments: Letter to Ranking Member Elijah E. Cummings Regarding EPA's FOIA Expert Assistance Team.Final.pdf; ATT00001.txt



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

OFFICE OF
GENERAL COUNSEL

July 15, 2018

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U.S. House of Representatives
Washington, D.C. 20515

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Kevin S. Minoli
Principal Deputy General Counsel &
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cc: The Honorable Trey Gowdy
Chairman, Committee on Oversight and Government Reform

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 7/8/2018 12:44:46 PM
To: Emily Holden [eholden@politico.com]
Subject: Re: Couple of press policy questions

Did you receive information from our press shop?

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

On Jul 8, 2018, at 8:14 AM, Emily Holden <eholden@politico.com> wrote:

FYI in case you have any thoughts. I expect some of these things may change and would like to have up-to-date information so I can be fair.

Emily Holden
Reporter, energy/climate

POLITICO

eholden@politico.com

Ex. 6

@emilyhholden

Begin forwarded message:

From: eholden@politico.com
Date: July 8, 2018 at 8:11:12 AM EDT
To: press@epa.gov
Subject: Couple of press policy questions

Hi all. I'm on Reliable Sources this morning and they'd like to talk about EPA press access and policies.

I was happy to see you had an interview with the Post, and I hope there will be opportunities for more of those with other outlets.

Still have a couple basic questions with the change in leadership: will the acting administrator announce where he will be speaking or traveling in advance?

He said during his confirmation that he would publish his calendar routinely. Are we looking at the same system for every few weeks for the most basic details or

will he release his full Outlook calendars at a more regular pace without that being litigated?

Are you still following the same process for updating calendars after the fact, which you outlined in some of your FOIA suits? Do you have any updated comment on the story about the aide who was asked to delete calendar items? (Also on the FOIA front, James, I will take into consideration what we spoke about in terms of Beth White also being a compliance lawyer.)

Did you archive the tweets deleted from the administrator's account?

Will you return to the practice of having press conferences or phone calls to explain major announcements?

And will Mr. Wheeler fly coach? Will there be an evaluation of his security needs?

The show is at 11. If there's any of this you already know, I'd be happy to hear it. If you need more time, I'd still appreciate the answers as you have them.

Thanks,
Emily

Emily Holden
Reporter, energy/climate
POLITICO
eholden@politico.com
Ex. 6
[@emilyhholden](#)

Message

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Sent: 7/17/2018 7:37:08 PM
To: Eric Wolff [ewolff@politico.com]
CC: Konkus, John [konkus.john@epa.gov]
Subject: RE: quick FOIA follow ups

The Office of the Administrator. But like John confirmed that's our goal. We are working and hope to accomplish that. When we get 40-60 new FOIAs a week, depending on their complexity, it may be difficult. However, that's what we are trying to accomplish.

From: Eric Wolff [mailto:ewolff@politico.com]
Sent: Tuesday, July 17, 2018 3:30 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Konkus, John <konkus.john@epa.gov>
Subject: Re: quick FOIA follow ups

Hi – Last question, I hope. When you said all requests cleared within a few months, did you mean agency-wide, or just for the office of the administrator?

On Tue, Jul 17, 2018 at 1:26 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Beth White is director of the office of the executive secretariat. That office is in charge of all the paper going to or coming out of the Administrator's office. She reviews and helps compile FOIAs in addition to other productions from the Administrator's office. Importantly she performs the same functions as Eric Wachter performed for the OEX under Administrator's Jackson and McCarthy. He was a political appointee.

I think one other issue which is important to raise is that at least some of the immediate media coverage concerning FOIA production at EPA is due to House Oversight Committee providing selected small excerpts from my interview with them. I provided that interview voluntarily and the entire conversation concerning FOIA at EPA lasted 45 minutes and likely closer to an hour. A full evaluation of the transcript would provide the entire conversation.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

On Jul 17, 2018, at 1:02 PM, Eric Wolff <ewolff@politico.com> wrote:

Hi –

Meant to ask – Is Beth White still in charge of FOIA for the administrator's office?

And will you be releasing the rest of former Administrator PRuitt's calendars without further litigation?
From January on is missing, I believe.

Thanks!

- Eric

--

Eric Wolff
Energy Reporter
POLITICO

Ex. 6

ewolff@politico.com

[@ericwolff](#)

--

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Energy Reporter
POLITICO

Ex. 6

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Message

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Sent: 6/28/2018 7:57:57 PM
To: Robin Bravender [rbravender@eenews.net]
Subject: RE: Oversight interview tomorrow?

Yes, I will be spending some time with them tomorrow.

From: Robin Bravender [mailto:rbravender@eenews.net]
Sent: Thursday, June 28, 2018 12:50 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Oversight interview tomorrow?

Hi Ryan,

We heard from the Oversight committee that they're interviewing you tomorrow. Can you confirm that? Thanks.

Robin Bravender
Climatewire deputy editor, E&E News
rbravender@eenews.net

Ex. 6

[@rbravender](#)

E&E NEWS

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Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM, E&ETV

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Sent: 6/30/2018 9:12:23 PM
To: Eilperin, Juliet [Juliet.Eilperin@washpost.com]
CC: Konkus, John [konkus.john@epa.gov]
Subject: RE: thanks for asking

But of course.

From: Eilperin, Juliet [mailto:Juliet.Eilperin@washpost.com]
Sent: Saturday, June 30, 2018 4:56 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Konkus, John <konkus.john@epa.gov>
Subject: Re: thanks for asking

Perhaps this rapid turnaround can be an inspiration to EPA's FOIA office!
Best,
Juliet

On Jun 30, 2018, at 4:47 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Good, according to Eric Lipton, he emailed us that he received the letter pursuant to a FOIA he submitted Friday. I informed our team here that type of exception turn around for a FOIA from OGC must be an agency record. I hope not too many employees are out of town next week because I think an award is in order.

From: Eilperin, Juliet [mailto:Juliet.Eilperin@washpost.com]
Sent: Saturday, June 30, 2018 4:45 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Konkus, John <konkus.john@epa.gov>
Subject: Re: thanks for asking

Dear Ryan,
Thanks for this, and John has looped Brady in on a separate chain, and provided a quote that we will use with our piece.
Best,
Juliet

On Jun 30, 2018, at 4:21 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

[EXTERNAL EMAIL]

From what I understand this was not a letter which EPA released to the press at least officially.

It is entirely possible the letter was provided to the New York Times by an EPA employee.

Attached is the letter which we believe someone at EPA provided to the New York Times for their story. I do not believe we were contacted for a comment by the New York

Times. However, we are glad to provide a comment for the record concerning this letter.

Ultimately, it addresses issues which pre-date the Trump Administration, current administration issues such as staffing up the ethics office which Kevin and I did months ago, cooperation with the OIG, and future training and retraining.

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency

Ex. 6

<Letter to OGE Re EPA Ethics Program2018-06-27-151351.pdf>

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 6/30/2018 8:20:57 PM
To: Eilperin, Juliet [Juliet.Eilperin@washpost.com]
CC: Konkus, John [konkus.john@epa.gov]
Subject: thanks for asking
Attachments: Letter to OGE Re EPA Ethics Program2018-06-27-151351.pdf

From what I understand this was not a letter which EPA released to the press at least officially.

It is entirely possible the letter was provided to the New York Times by an EPA employee.

Attached is the letter which we believe someone at EPA provided to the New York Times for their story. I do not believe we were contacted for a comment by the New York Times. However, we are glad to provide a comment for the record concerning this letter.

Ultimately, it addresses issues which pre-date the Trump Administration, current administration issues such as staffing up the ethics office which Kevin and I did months ago, cooperation with the OIG, and future training and retraining.

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency

Ex. 6



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

JUN 27 2018

OFFICE OF
GENERAL COUNSEL

Mr. David J. Apol
Acting Director and General Counsel
U.S. Office of Government Ethics
1201 New York Avenue, N.W. Suite 500
Washington, D.C. 20005

Dear Acting Director Apol:

I write in my capacity as the Designated Agency Ethics Official (DAEO) to provide you with information regarding actions taken by the Environmental Protection Agency's (EPA's) Ethics Program to strengthen our Program and to respond to concerns raised by you and your office.

Office of Government Ethics Review of EPA's Ethics Program

The Office of Government Ethics (OGE) completed a review of EPA's Ethics Program in March 2017 and documented that review in Report 17-16.¹ OGE provided EPA with eight recommendations in two areas that are delegated to EPA's Deputy Ethics Officials (DEOs): the confidential financial disclosure program and ethics requirements for special government employees (SGEs). To respond to recommendations related to the timeliness, retention, and accuracy of the confidential financial disclosure forms, EPA's Ethics Program is committed to migrating from a paper-based system to an electronic filing system by the 2020 reporting year. I am pleased to report that we have signed a Memorandum of Understanding with the Department of Treasury that allows EPA to use code from and begin the testing of an electronic filing system that is based on the Department of Treasury's current system.

With regard to the recommendations related to SGEs, EPA's Ethics Program shares OGE's concern about the discrepancies the review uncovered in the ethics training and financial disclosure filings of SGEs who serve as experts, consultants, or members of advisory committees. The Ethics Program is beginning an engagement with EPA's Office of Research and Development (ORD) to understand the particular challenges surrounding financial disclosure requirements for experts and consultants, and to then improve our support of the DEOs responsible for counseling this type of SGE. For SGEs who are advisory committee members, the Ethics Program met with the Designated Federal Officers Network to emphasize the obligation of Designated Federal Officers to train SGEs and to collect, review, and certify their financial disclosure reports. Over the course of the past year, the Ethics Program has worked with many of EPA's Federal Advisory Committee Act (FACA) committees. For example, we worked closely with the Science Advisory Panel (SAP) staff to

¹ Office of Government Ethics, Report No. 17-16: *Ethics Program Review U.S. Environmental Protection Agency*, March 2017 (Program Review).

discuss and resolve conflicts and impartiality issues as they arise. The Ethics Program and the SAP jointly met with the relevant EPA program to explain how SGEs are selected and their ethical obligations. We met with the staff of EPA's largest FACA committee, the Science Advisory Board, to explain conflicts of interest analysis and fact patterns. Most recently, the Ethics Program provided in-person ethics training to the Science Advisory Board. Similar training is being scheduled for the Human Studies Review Board and can be replicated as often as necessary. Finally, we are committed to revising the relevant existing online ethics training module and to providing training to EPA's Designated Federal Officers.

In addition to the recommendations, the Report also expressed OGE's concerns with the staffing level of the Ethics Office located in the Office of General Counsel (OGC). The OGC Ethics Office supports the DAEO and serves as the nucleus of EPA's decentralized Ethics Program. Among the responsibilities of the Ethics Office is the support and oversight of the Deputy Ethics Officials who reside in program and regional offices across EPA. At the time of the initiation of the Program Review in 2016, the OGC ethics team was a subcomponent of the OGC Immediate Office and comprised of a Senior Counsel for Ethics, who served as a non-supervisory team lead, and two staff positions (one filled with a full-time employee and one filled by two part-time employees who "shared" the position). During the time the review was ongoing, we established the OGC Ethics Office as a stand-alone office on par with OGC's law offices and converted the Senior Counsel to a supervisory position. By the time the report was issued, we had added a temporary third staff position for a two-year period. OGE expressed the following concerns:

OGC Ethics may be insufficiently staffed to ensure the long-term effectiveness of EPA's ethics program. At the very least, OGE is concerned that at current staffing levels, OGC Ethics may not be able to absorb the impact of any staffing changes, such as medical leave or retirement, or any unforeseen events. Additional responsibilities or priorities may stretch existing resources even further. Moreover, the effective administration of certain elements of the ethics program relies largely on the competency of the DEOs who are not directly supervised by OGC Ethics. Again, OGE is concerned that OGC Ethics staffing may be insufficient to provide the DEOs with continuous oversight and necessary guidance and training.²

In fact, a number of the potential events OGE identified as difficult for the OGC Ethics Office to overcome actually occurred after the Review was completed. The two full-time staff members left federal service (leaving the team with no full-time staff members for a period of time), two members of the team were granted extended absences, and the team was asked absorb additional responsibilities, including vetting potential political appointees for financial conflicts of interest. In addition to challenges faced by OGC's Ethics Office, from January 2017 to January 2018, I served as EPA's Acting General Counsel while maintaining my role as the DAEO. At times during 2017, OGC's Ethics Office had fewer staff than we did when OGE expressed its concern.

Based on a workload evaluation by the team and with the support of the General Counsel and Chief of Staff, I am expanding the capacity of the OGC Ethics Office by increasing the number

² Program Review at 5.

of staff positions. As a first step, I have already filled the two vacated staff positions. I recruited one new ethics official from within OGC and I facilitated the transfer of one ethics official from another headquarters office to the OGC Ethics Office. Second, I granted a request from a part-time employee to increase her hours by 20%. Third, I created three new staff positions on the team. One of those new staff positions will be filled through the phased reassignment of a current OGC employee with experience in the ethics requirements. The second new staff position will be filled at a junior level and the third will be filled at a senior level. These additional staff positions will double the staff positions on the team and far exceed any previous staffing level for the OGC Ethics Office. These additional resources will focus on expanding the availability of ethics officials to provide ethics advice and increasing the support and oversight of DEOs across EPA. We look forward to continuing our engagement with OGE on this and other issues raised in the Program Review.

Office of Government Ethics' Engagement with EPA Regarding the EPA Administrator

On April 6, 2018, you wrote to me as EPA's Designated Agency Ethics Official and advised me to review and analyze the reported actions of Administrator E. Scott Pruitt that you identified in your letter. The letter ended with the expectation that "that appropriate action will be taken in response."³

As you know, I initially responded to your letter on April 9, 2018, and informed you that I referred your letter to EPA's Office of Inspector General (OIG).⁴ I received confirmation from Inspector General Arthur Elkins that his Office accepted my referral and opened investigations into those issues. At present, we understand that several investigations are open and on-going, and my staff and I are providing "ready and active assistance" to the OIG inspectors, as required by Office of Government Ethics regulations.⁵

When we become aware of an ethics-related matter, the OGC Ethics Office reviews the known facts and determines the appropriate path forward. When the known facts demonstrate that all actions were consistent with ethics requirements, we may nonetheless determine that there is a need for additional training or education, but otherwise take no further action. In certain instances, the known facts are not sufficient for us to fully evaluate the matter. If the OGC Ethics Office determines additional fact-finding is necessary, we will refer the matter to EPA's Inspector General if the matter involves a criminal provision *or* a senior agency official. If the matter does not involve a criminal provision or a senior agency official, we work with the employee and the employee's supervisor, as appropriate, to obtain any additional information.

When the known facts demonstrate that some actions were inconsistent with the ethics requirements, we refer the matter to the Inspector General.⁶ If the OIG accepts a matter for investigation, OGE's regulations require ethics officials to provide support to the OIG, as

³ Letter from David J. Apol, Acting Dir. and Gen. Counsel, U.S. Office of Gov't Ethics, to Kevin S. Minoli, Principal Deputy Gen. Counsel and Designated Agency Ethics Official, U.S. Env'tl. Prot. Agency (Apr. 6, 2018).

⁴ Letter from Kevin S. Minoli, Principal Deputy Gen. Counsel and Designated Agency Ethics Official, U.S. Env'tl. Prot. Agency to David J. Apol, Acting Dir. and Gen. Counsel, U.S. Office of Gov't Ethics (Apr. 9, 2018).

⁵ 5 C.F.R. § 2638.104(c)(10).

⁶ 5 C.F.R. 2635.101(b)(11) ("Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.").

requested.⁷ If the violation is of a non-criminal provision and does not involve a senior agency official, the Office of the Inspector General historically has agreed that the Ethics Program can address the matter administratively without referral. In those instances, we work to bring the employee into compliance, if possible. As you know, regardless of the type of violation or employee involved, ethics officials do not have authority to discipline an employee. Should the supervisor determine corrective or disciplinary action is appropriate in response to a violation of the ethics requirements, however, we will provide assistance to the supervisor upon request.⁸

Since your letter in April, additional potential issues regarding Mr. Pruitt have come to my attention through sources within EPA and media reports. Consistent with my obligations under Office of Government Ethics regulations, I have referred a number of those matters to EPA's Inspector General and have provided "ready and active assistance" to the Inspector General and his office. Several of those matters were also included in your recent letter to the EPA Inspector General.⁹ To the best of my knowledge, all of the matters that I have referred are either under consideration for acceptance or under active investigation.

Engaging Deputy Ethics Officials and Supervisors to Provide them with Necessary Support

Even as we are challenged by the concerns described above, I have also challenged the OGC Ethics Office to use this moment to take a look at our Program and evaluate where we are strong and where we might do better. When we take a step back, the picture that we see is an Ethics Program implemented by Deputy Ethics Officials across the agency and that depends on first-line supervisors to help guide their employees and create an ethical culture at EPA. Our responsibility as the OGC Ethics Office is to provide DEOs and first-line supervisors with the support and resources they need to fulfill their critical roles. To ensure we are doing that well, OGC's Ethics Office is embarking on an initiative to *Engage in Ethics* with our DEOs and first-line supervisors.

The Program Review reminded us that DEOs are the front line of EPA's Ethics Program. They are our presence in the field, and are the people that the majority of EPA employees turn to when they have an ethics question. And, yet, those DEOs have accepted the DEO responsibilities as "other duties as assigned," in addition to some other area of responsibility that is seen by their supervisor and home office as their primary responsibility. The OGC Ethics Office needs to provide support and assistance to EPA's DEOs so that they can efficiently – and effectively – counsel employees on the wide range of issues that they see. More than ever, the OGC Ethics Office needs to *Engage in Ethics* with our network of Deputy Ethics Offices to ensure they have access to the resources they need.

When you accepted my invitation to address EPA's Executive Management Council on April 13, 2018, you spoke about studies that show how employees' faith in the integrity of their organization derives primarily from their immediate supervisor. If an employee's immediate

⁷ 5 C.F.R. § 2638.104(c)(9)(i).

⁸ 5 C.F.R. 2638.104(c)(9) (responsibilities of the Designated Agency Ethic Official include "Assisting the agency in its enforcement of ethics laws and regulations *when agency officials...take disciplinary action*" (Emphasis Added)).

⁹ Letter from David J. Apol, Acting Dir. and Gen. Counsel, U.S. Office of Gov't Ethics, to Arthur A. Elkins, Jr., Inspector General, U.S. Env'tl. Prot. Agency (June 15, 2018).

supervisor behaves ethically, then an employee's awareness of that ethical behavior contributes to their perception of the ethical culture of their organization. You encouraged supervisors to talk about the importance of ethics and take pride in ethical behavior. In recognition of the important role of supervisors, *Engage in Ethics* will include our engagement with EPA's First Line Supervisors Advisory Group and first-line supervisors across the agency to understand how the Ethics Program can support them as they fulfill their "heightened personal responsibility for advancing government ethics" and their obligation to "to help ensure that subordinates are aware of their ethical obligations under the Standards of Conduct and that subordinates know how to contact agency ethics officials."¹⁰

Finally, our effort to *Engage in Ethics* with DEOs and first line supervisors is designed to recognize the contributions they make to EPA's Ethics Program and thank them for their role in creating an ethical culture at the agency. The resources that we will deploy, such as an EPA-wide Ethics Helpline, an agency-wide email box (ethics@epa.gov), and a redesigned Ethics Program intranet site, are a reflection of my commitment to better serve them as the DAEO, not of any weakness in their performance. I believe that the OGC Ethics Office's work to become more visible, more accessible, and more available to our DEOs and first-line supervisors will ultimately make EPA's Ethics Program even more effective at serving the needs of employees across the agency. EPA employees work daily to make their ethical federal service a point of pride, and through the *Engage in Ethics* initiative, we will ensure that EPA's Ethics Program is doing all we can to help them achieve that goal.

Conclusion

Thank you for your continued support of EPA's Ethics Program. We would appreciate any insights or advice you and your staff may offer regarding our effort. We have appreciated your willingness to *Engage in Ethics* with us, and have benefited greatly from your guidance and assistance.

Sincerely,



Kevin S. Minoli
Principal Deputy General Counsel
& Designated Agency Ethics Official

¹⁰ 5 C.F.R. § 2638.103.

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 6/20/2018 12:27:26 AM
To: Chad Bradley [Ex. 6 - Personal Email]
CC: Dickerson, Aaron [dickerson.aaron@epa.gov]
Subject: RE: [SPAM-Sender] Fwd: [SPAM-Sender] [SPAM-Sender] Re: Can I set up a meeting with you sometime in the next couple of weeks?

Sure.

From: Chad Bradley [Ex. 6 - Personal Email]
Sent: Tuesday, June 19, 2018 1:37 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: [SPAM-Sender] Fwd: [SPAM-Sender] [SPAM-Sender] Re: Can I set up a meeting with you sometime in the next couple of weeks?

Hey,

I sent this over to Aaron earlier this morning and thought I CC'd you on it. This if for the meeting I scheduled for Thursday 6/21 at 3:00. Let me know if you need any more information.

Thanks,

Chad

Begin forwarded message:

From: Chad Bradley [Ex. 6 - Personal Email]
Subject: Re: [SPAM-Sender] Re: [SPAM-Sender] Re: Can I set up a meeting with you sometime in the next couple of weeks?
Date: June 19, 2018 at 9:34:43 AM EDT
To: "Dickerson, Aaron" <dickerson.aaron@epa.gov>

Hi Aaron,

For the meeting with Ryan on Thursday, I will be bringing in folks from Exelon Corp. We would like to talk to Ryan about the following:

Exelon owns the Conowingo Hydroelectric Project on the lower Susquehanna River in Maryland and is currently seeking a new operating license from FERC. The Maryland Department of the Environment (MDE) recently developed something called the "Conowingo Watershed Implementation Plan (WIP)" pursuant to which MDE, with the imprimatur of EPA, could saddle Exelon with the obligation to pay more than \$7billion in "fees" to clean up pollution from upstream sources that impacts the Chesapeake Bay. Exelon didn't create this pollution and has no reasonable way to remove it from the river. MDE is now aggressively pushing EPA to endorse this scheme. MDE's scheme would dramatically expand the scope of the Clean Water Act, which is unlawful, and would set a precedent that could cripple hydropower and other industries. Exelon would like to meet with EPA to discuss this proposed "Conowingo WIP."

Attending the meeting will be:

- Kathleen Barron, Senior Vice President, Federal Regulatory Affairs and Wholesale Market Policy, Exelon
- Tom O'Neill, Senior Vice President and General Counsel, Exelon
- Todd Cutler, Associate General Counsel, Exelon
- Jackie Carney, Director Federal Governmental Affairs, Exelon
- Chad Bradley
- John Cruden, Beveridge & Diamond
- Sam Hirsch, Jenner & Block

Let me know if you need anything else. My Cell is Ex. 6

Chad

On Jun 14, 2018, at 11:17 AM, Dickerson, Aaron <dickerson.aaron@epa.gov> wrote:

Sounds great. Thank you.

-----Original Message-----

From: Chad Bradley Ex. 6 - Personal Email

Sent: Thursday, June 14, 2018 10:59 AM

To: Dickerson, Aaron <dickerson.aaron@epa.gov>

Subject: [SPAM-Sender] Re: [SPAM-Sender] Re: Can I set up a meeting with you sometime in the next couple of weeks?

Yes Sir. That works. I am in the process of getting attendees names and a background paper for Ryan. I will send those as soon as I have them.

Thank you very much for your help.

Chad

On Jun 14, 2018, at 10:34 AM, Dickerson, Aaron
<dickerson.aaron@epa.gov> wrote:

How about 3pm on the 21st?

-----Original Message-----

From: Chad Bradley Ex. 6 - Personal Email

Sent: Thursday, June 14, 2018 10:21 AM

To: Dickerson, Aaron <dickerson.aaron@epa.gov>

Subject: [SPAM-Sender] Re: Can I set up a meeting with you sometime in the next couple of weeks?

Hi Aaron,

Thank you for getting back to me. I just got off the phone with a client and have to go up to NYC on the 22 now. Sorry about that. Could we do the afternoon of the 21st, anytime after 2:00, or on Monday June 25th?

Thank you .

Chad

On Jun 14, 2018, at 9:51 AM, Dickerson, Aaron
<dickerson.aaron@epa.gov> wrote:

Hi Chad

How about Friday, June 22 sometime between 10:30-11:30?

Aaron Dickerson
Assistant to the Chief of Staff
Office of the Administrator
U.S. EPA
Phone: 202-564-1783

-----Original Message-----

From: chad bradley Ex. 6 - Personal Email
Sent: Wednesday, June 13, 2018 12:37 PM
To: Dickerson, Aaron <dickerson.aaron@epa.gov>
Subject: Re: Can I set up a meeting with you sometime in the next couple of weeks?

Hi Aaron,

I wanted to see if I might be able to get 30 minutes on Ryan's schedule next Monday, June 18, or next Friday, June 22? I am in the process of putting together issue papers and attendees and will get that to you once we get the meeting set up.

Thank you in advance for your assistance.

Chad

On Jun 13, 2018, at 11:23 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Of course.

-----Original Message-----

From: chad bradley
Ex. 6 - Personal Email
Sent: Wednesday, June 13, 2018 9:46 AM
To: Jackson, Ryan
<jackson.ryan@epa.gov>
Subject: Can I set up a meeting with you sometime in the next couple of weeks?

Is Aaron still your scheduler?

Thanks.

Chad

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 7/3/2018 7:02:27 PM
To: Jim Myers [Ex. 6 - Personal Email]
Subject: RE: Inquiry on the latest request for public input on WOTUS effort

Sure, the move won't delay the timetable. There are a number of things EPA has done concerning WOTUS. We have finalized a rule to postpone the 2015 rule. We have proposed withdrawing the 2015 rule. This supplemental takes additional comment on issues surrounding withdrawal of the 2015 rule. Supplemental notices are used from time to time to solicit additional grounds for a rulemaking. It may not have been legally necessary, but it helps to broaden the grounds on which to finalize the withdrawal of the 2015 rule. Finally, EPA has proposed a replacement for the 2015 rule which is in interagency review right now. Once completed with interagency review, the rule will be proposed, EPA will receive comment, and EPA will move to finalize that replacement.

-----Original Message-----

From: Jim Myers [Ex. 6 - Personal Email]
Sent: Tuesday, July 3, 2018 12:47 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Inquiry on the latest request for public input on WOTUS effort

Hey,

Hope you have great plans for Independence Day.

I am somewhat confused about the significance of the move EPA announced Friday about its year-long effort to repeal and replace the 2015 WOTUS rule.

If you can provide guidance (on background, no attribution), here are a few questions:

- Will this move delay the timetable Administrator Pruitt has laid out to lawmakers? (He has said in the past he hopes to wrap up the effort on WOTUS by the end of this year.)
- Why was clarification needed, specifically on whether the goal was to repeal the rule? Who was unclear on that point?
- Was this move "legally" necessary in order to complete the effort to repeal and replace WOTUS?

FYI: I am writing this for The Waterways Journal.

Thanks,

Jim Myers
The Waterways Journal

Ex. 6

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 6/12/2018 4:54:19 PM
To: Joanna Slaney [jslaney@edf.org]
Subject: Re: methylene chloride draft final rule

I'll call.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

On Jun 12, 2018, at 12:46 PM, Joanna Slaney <jslaney@edf.org> wrote:

Hi Ryan,

I wanted to see where the draft final rule stands. The families are also asking for an update. What's the delay in getting it over to OMB?

Best,
Joanna



Joanna Slaney
Legislative Director, Health

Environmental Defense Fund
1875 Connecticut Ave, NW, Suite 600
Washington, D.C. 20009

Ex. 6

jslaney@edf.org

This e-mail and any attachments may contain confidential and privileged information. If you are not the intended recipient, please notify the sender immediately by return e-mail, delete this e-mail and destroy any copies. Any dissemination or use of this information by a person other than the intended recipient is unauthorized and may be illegal.

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 6/18/2018 9:56:41 PM
To: Holland, Luke (Inhofe) [Luke_Holland@inhofe.senate.gov]
Subject: FW: EPA Approves First-in-the-Nation State Coal Ash Permit Program for Oklahoma

We put this out earlier. If you haven't put out yours it would be worth it to make OK press tonight and early morning.

From: Block, Molly
Sent: Monday, June 18, 2018 5:56 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: EPA Approves First-in-the-Nation State Coal Ash Permit Program for Oklahoma

This went out earlier this afternoon. If you're having issues viewing the release, please see:
<https://www.epa.gov/newsreleases/epa-approves-first-nation-state-coal-ash-permit-program-oklahoma>

From: EPA Press Office [mailto:press=epa.gov@cmail19.com] **On Behalf Of** EPA Press Office
Sent: Monday, June 18, 2018 4:23 PM
To: Block, Molly <block.molly@epa.gov>
Subject: EPA Approves First-in-the-Nation State Coal Ash Permit Program for Oklahoma



U.S. ENVIRONMENTAL PROTECTION AGENCY
NEWS RELEASE
WWW.EPA.GOV/NEWSROOM

EPA Approves First-in-the-Nation State Coal Ash Permit Program for Oklahoma

WASHINGTON (June 18, 2018) — Today, the U.S. Environmental Protection Agency (EPA) approved Oklahoma's application to operate a permit program for disposing of coal combustion residuals - commonly known as coal ash - in landfills and surface impoundments. This approval makes Oklahoma the first state in the nation to run a federally approved coal ash permit program. The Agency's decision, in partnership with the State of Oklahoma, furthers cooperative federalism while improving the management of coal ash.

"This historic announcement places oversight of coal ash disposal into the hands of those who are best positioned to oversee coal ash management: the officials who have intimate knowledge of the facilities and the environment in their state," **said EPA Administrator Scott Pruitt**. "Oklahoma is leading the way for other states to establish

state coal ash permit programs, and EPA stands ready to work with each and every state to improve coal ash management.”

“I am pleased that Oklahoma is the first state in the nation to receive approval of its Coal Combustion Residuals permit program. We actually incorporated the federal rule into our state permitting rules program over a year ago,” **said Oklahoma Department of Environmental Quality Executive Director Scott Thompson.** “We have the knowledge and expertise to consider unique and varied local concerns, which will ensure that the program continues to be successful and protective of human health and the environment.”

“This decision provides much needed certainty and gives the state clear permitting and enforcement authority while promoting the continued beneficial use of coal byproducts. This is critical as co-ops work to meet tomorrow’s energy needs with affordable and reliable power. We hope this will be the first of many more state program approvals,” **said National Rural Electric Cooperative Association Senior Vice President of Government Relations Kirk Johnson.**

“Today’s action by EPA to approve Oklahoma’s coal combustion residuals (CCR) permit program application is an important first step in fulfilling the intent of Congress through the Water Infrastructure Improvements for the Nation (WIIN) Act, which enables the states to directly implement and enforce the CCR rule,” **said Utility Solid Waste Activities Group Executive Director Jim Roewer.** “The implementation of the coal combustion residuals rule through state-issued enforceable permits will bring certainty to the regulatory process, advance the public interest, and ensure environmental protection. We look forward to EPA approving other qualified state coal combustion residuals permit program applications in the near future.”

“The EPA approval of each state’s ability to develop an EPA approved plan to deal with environmental issues makes much more sense than the ‘one plan fits all’ approach of the past. The State of Oklahoma and individual utilities have worked closely in the past to solve difficult environmental issues that benefited all citizens of the state and with this progressive step, that work can continue,” **said Western Farmers Electric Cooperative CEO Gary Roulet.**

“We appreciate the EPA’s approval of Oklahoma’s permitting program to manage coal ash. We agree with EPA that state permitting programs, like Oklahoma’s, are the most effective approach for coal ash management, and will ensure that all regulatory requirements will continue to be met,” **said Public Service Company of Oklahoma President and Chief Operating Officer Stuart Solomon.**

Prior to today’s decision, electric utilities in Oklahoma were required to directly implement the requirements of EPA’s 2015 coal ash rule without the technical assistance or oversight provided under a permit program. With today’s approval, the Oklahoma Department of Environmental Quality (ODEQ) can now process permit applications and enforce permit violations for existing coal ash units and any future

units in Oklahoma based on state law requirements rather than EPA's federal rule - except for those located in Indian Country. Today's action provides much needed regulatory certainty to facilities in Oklahoma. After working closely with the state, EPA determined that the permit program submitted by ODEQ will be as protective as the federal regulatory program that it is replacing.

In addition to approving Oklahoma's application, EPA has received an initial application from the State of Georgia to operate a state-run permit program for coal ash. The agency has also encouraged states that may be considering submitting an application to consult with EPA early in the process. These consultations enable EPA and the state to work through areas where the state program may be different from the federal CCR regulation.

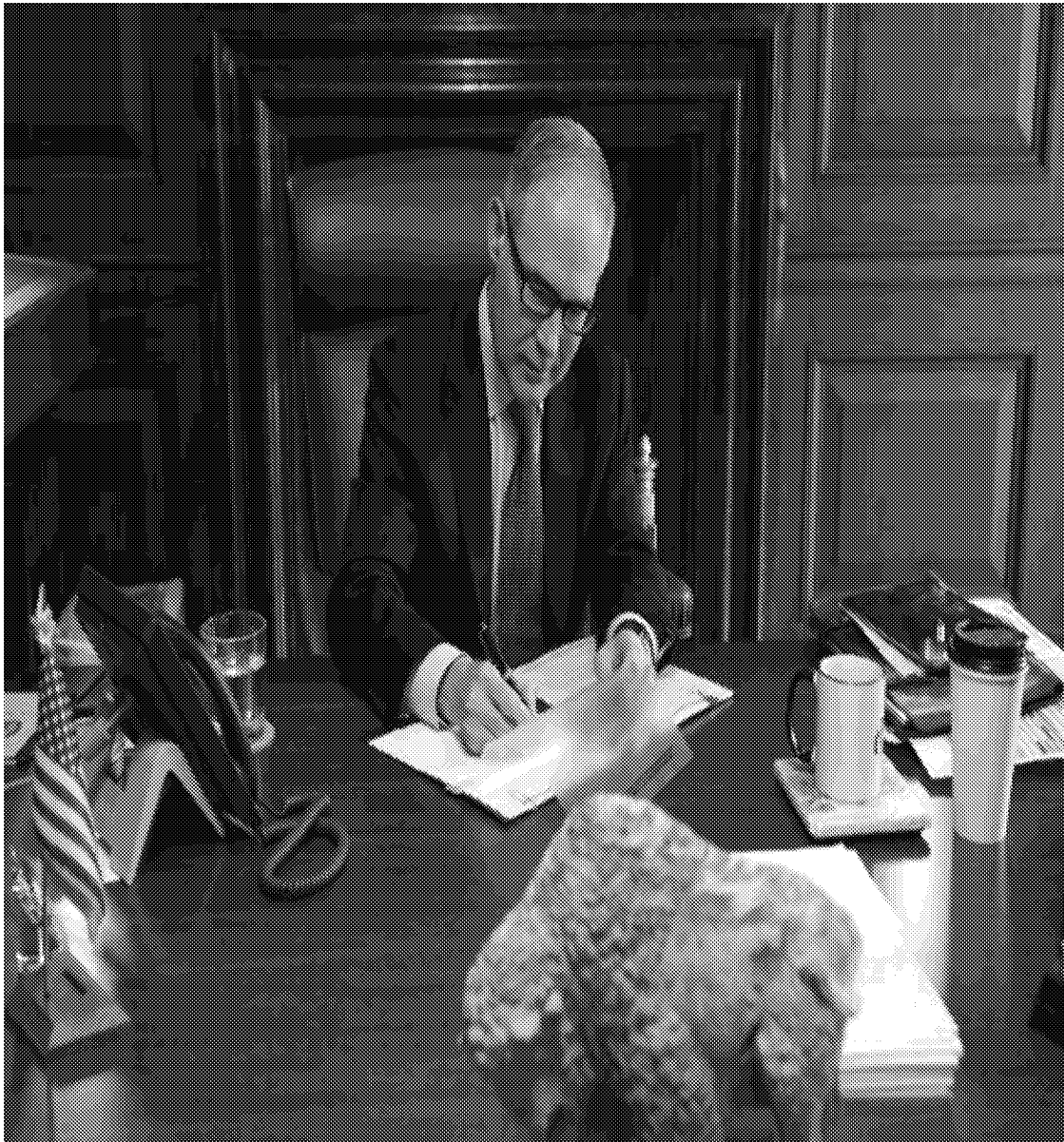
Background

EPA issued a final rule in April 2015 regulating CCR as nonhazardous waste under the Resource Conservation and Recovery Act (RCRA) and establishing minimum national standards governing the disposal of CCR from electric utilities in landfills and surface impoundments. At the time the CCR rule was issued, EPA did not have authority under RCRA to regulate CCR as nonhazardous waste through state permit programs. Instead, utilities were responsible for directly implementing the requirements of EPA's 2015 CCR rule, which were enforceable only through citizen suits. In December 2016, Congress amended RCRA as part of the Water Infrastructure Improvements for the Nation (WIIN) Act.

Now, states may develop and submit a coal ash permit program to EPA for approval. The WIIN Act requires EPA to approve a state's application within 180 days. EPA determined Oklahoma's application was complete on December 21, 2017. Applications must (1) provide evidence of a permit program or other system of prior approval and (2) be as protective as federal regulations currently in place. Once approved, the state permit program operates in lieu of the federal management standards for the disposal of coal ash.

For more information on today's approval, please visit

To learn more about this approval, please visit <https://www.epa.gov/coalash/us-state-oklahoma-coal-combustion-residuals-permit-program>



Administrator Pruitt signs the approval of the State of Oklahoma's application to operate a permit program for disposing of coal combustion residuals.



Administrator Pruitt is joined by the hardworking staff from the Office of Land and Emergency Management who worked diligently on this action.

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U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004



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Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 7/2/2018 11:41:55 PM
To: Robin Bravender [rbravender@eenews.net]; Wilcox, Jahan [wilcox.jahan@epa.gov]
Subject: RE: Confrontation at Teatism

We continued to sit at the table. We didn't think she was looking for a response and simply wanted to speak her mind. In fact, I believe Administrator Pruitt simply thanked her, and she departed. At that point we had finished our meal anyway, were going to be late for a 1pm briefing back at EPA, cleared our dishes, and were on our way. It was rather uneventful.

From: Robin Bravender [mailto:rbravender@eenews.net]
Sent: Monday, July 2, 2018 7:21 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Confrontation at Teatism

Hi Jahan & Ryan,

I'm writing a short piece for tomorrow about the exchange between Administrator Pruitt & Kristin Mink that she posted on Facebook a while ago. https://www.facebook.com/kristin.mink?hc_ref=ARRBeF3P3Q93fBwyM7NehGyHK-g6CSzQ7CnwLLQZzfGVn6wRpeb86FKpCagy6y2LgGM

I wonder if you'd like to comment about the exchange. She said the administrator left without responding to her. I'd be particularly grateful for your take on the exchange, Ryan, since you were there. We'll publish tomorrow morning at 8 a.m.

Thanks a lot,

Robin Bravender

Ex. 6

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 6/27/2018 12:14:33 AM
To: Ex. 6 - Personal Email
Subject: Memo CWA section 404(c) regs 06-26-2018.pdf
Attachments: Memo CWA section 404(c) regs 06-26-2018.pdf; ATT00001.txt

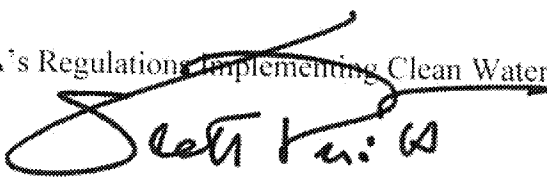


E. SCOTT PRUITT
ADMINISTRATOR

June 26, 2018

MEMORANDUM

SUBJECT: Updating the EPA's Regulations Implementing Clean Water Act Section 404(c)
FROM: E. Scott Pruitt
TO: General Counsel
Assistant Administrator, Office of Water
Regional Administrators

A handwritten signature in black ink, appearing to read "Scott Pruitt", is written over the "FROM" and "TO" lines of the memorandum.

It is essential that the U.S. Environmental Protection Agency adhere to its core mission of protecting human health and the environment in a manner that is fully considered as well as consistent with the agency's authority. When the EPA uses its authority preemptively and without the benefit of the fully developed factual record or attempts to reimagine its authority in ways that diverge from statutory text or congressional intent, it diverts its attention from this core mission and engages in decision making without a full understanding of the impacts of those decisions. To address this concern, at every opportunity I have directed the agency to ensure predictability and regulatory certainty and take actions based upon a comprehensive understanding of the facts. These are the hallmarks of the proper exercise of administrative authority and due process under the law.

Today, I am directing the Office of Water to take another step toward returning the agency to its core mission and providing regulatory certainty by developing a proposal to change the regulations governing the EPA's exercise of its authority under *Clean Water Act* section 404(c), which allows the EPA to veto the issuance of permits by the U.S. Army Corps of Engineers or an approved state to discharge dredged or fill material at specified disposal sites. These regulations were last revised nearly 40 years ago – at a time in our history when environmental safeguards and analytical methods were far less developed than today. The EPA's regulations should reflect today's permitting process and modern-day methods and protections, including the robust existing processes under the *National Environmental Policy Act* that already require federal agencies to consider the environmental and related social and economic effects of their proposed actions while providing opportunities for public review and comment on those evaluations. Any new regulations should seek to address significant concerns surrounding the EPA's prior use of its veto authority before a permit application has been filed or after a permit has been issued. This long-overdue update to the regulations has the promise of increasing certainty for landowners, investors,

businesses and entrepreneurs to make investment decisions while preserving the EPA's authority to restrict discharges of dredge or fill material that will have an unacceptable adverse effect on water supplies, recreation, fisheries and wildlife.

Section 404 of the *Clean Water Act* regulates the discharge of dredged or fill material into waters of the United States by assigning differing roles to the Administrator and the Secretary of the Army. Section 404(a) empowers the Secretary of the Army, acting through the Army Corps of Engineers, to issue permits allowing for discharge of dredged or fill material at "specified disposal sites." States may assume administration of this program, as Michigan and New Jersey have done. Section 404(b) provides that the Corps or state shall specify each disposal site for each permit "subject to subsection (c)." The EPA has developed guidelines for this process. Section 404(c) provides the EPA with so-called veto authority. Specifically, section 404(c) authorizes the Administrator "to prohibit the specification (including withdrawal of the specification) of any defined area as a disposal site" as well as to "deny or restrict the use of any defined area for specification (including the withdrawal of specification) as a disposal site ... whenever he determines, after notice and opportunity for public hearings, that the discharge of such materials into such area will have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife or recreational areas."

In 1979 — seven years after Congress enacted section 404 — the EPA promulgated regulations that established procedures for exercising authority under section 404(c). *See* 44 FR 58076 (Oct. 9, 1979). The regulations establish defined steps with specific associated criteria: The EPA's regional administrators are given responsibility for initiating the 404(c) process, issuing a proposed determination and preparing and transmitting to EPA Headquarters a recommended determination to prohibit, withdraw, deny or restrict the specification of a site as a disposal site. The Administrator, upon receipt of a recommended determination and after consultation with the Corps or the state, has the authority to issue a final determination to affirm, modify or rescind the recommendation determination. The EPA has issued 13 final determinations since 1972 at various stages in the permitting process, including two instances where the action extended to areas for which a permit application was not pending and other instances after a permit had been issued.¹

The EPA has asserted since 1979 that its "section 404(c) authority may be exercised before a permit is applied for, while an application is pending or after a permit has been issued." 44 FR at 58076; *see also* 40 C.F.R. § 231.1(c). Commenters at the time the regulations were proposed opposed the use of the EPA's authority before a permit application had been received or after a permit had been issued by the Corps or state. 44 FR at 58077. The EPA responded to concerns about the practical application of pre-permit use of 404(c) by noting that this approach will facilitate planning by developers and industry and "eliminate frustrating situations in which someone spends time and money developing a project for an inappropriate site and learns at an advanced stage that he must start over." *Id.* The EPA also stated that while "the statute on its face clearly allows EPA to act after the Corps issued a permit," the EPA "recognize[d] that where possible it is much preferable to exercise this authority before the Corps or state has issued a permit, and before the permit holder has begun operations." *Id.*

¹ *See* U.S. EPA, Chronology of 404(c) Actions, *available at* <https://www.epa.gov/cwa-404/chronology-404c-actions>.

During the prior administration, the EPA proposed to restrict discharges of dredge and fill material associated with mining activity near Bristol Bay, Alaska, which drew significant public scrutiny. Before advocates of mining of the Pebble Deposit submitted a permit application to the Corps, EPA Region 10 undertook an ecological risk assessment of three mining scenarios of different sizes based on information submitted to the Securities and Exchange Commission. Region 10 then issued a Proposed Determination to restrict the discharge of dredged or fill material from mining of the Pebble Deposit for “the potential disposal site [defined as] the waters within the mine claims held by [Northern Dynasty Minerals] subsidiaries, including PLP [Pebble Limited Partnership], that fall within the [South Fork Koktuli River, North Fork Koktuli River and Upper Talarik Creek] watersheds.” PLP subsequently obtained a preliminary injunction that halted the section 404(c) process before Region 10 could determine whether to prepare a recommended determination to transmit to EPA Headquarters. In December 2017, PLP submitted a permit application to the Corps. Earlier this year, the EPA suspended its proposed withdrawal of the proposed determination; the EPA also has committed not to send a recommended determination from Region 10 to EPA Headquarters until after a final Environmental Impact Statement has been completed by the Corps, so long as that EIS is completed by May 2021. I believe that it is critical for the agency to participate in the EIS process and review the final EIS in detail before determining whether to proceed with the section 404(c) process in this case.

* * *

The EPA’s historical interpretation of its statutory authority and its current regulatory framework applies the same procedures notwithstanding whether a permit application has been filed or a permit issued. I am concerned that the mere potential of the EPA’s use of its section 404(c) authority before or after the permitting process could influence investment decisions and chill economic growth by short-circuiting the permitting process. Although the Corps can process a permit application and conduct a NEPA analysis while a section 404(c) action is ongoing, it cannot issue a permit. Moreover, the short timeframes in EPA’s existing regulations allow the Administrator to issue a final determination restricting the specification of a site as a disposal site within just a few months’ time from the start of the process. I am also concerned that under current regulations, the EPA could issue a final determination without the benefit of full information about the project for which a permit is sought, the proposed disposal areas and the environmental impacts of those activities.

Accordingly, I direct the Office of Water to prepare a proposal for submission to the Office of Management and Budget within six months from the date of this directive that proposes to consider, at a minimum, the following changes to EPA’s regulations that would govern the future use of EPA’s section 404(c) authority and seek public comment thereon:

- Eliminating the authority to initiate the section 404(c) process before a section 404 permit application has been filed with the Corps or a state, otherwise known as the “preemptive veto.”
- Eliminating the authority to initiate the section 404(c) process after a permit has been issued by the Corps or a state, otherwise known as the “retroactive veto.”

- Requiring a regional administrator to obtain approval from EPA Headquarters before initiating the section 404(c) process.
- Requiring a regional administrator to review and consider the findings of a final Environmental Assessment or Environmental Impact Statement prepared by the Corps or a state before preparing and publishing notice of a proposed determination.
- Requiring the agency to publish and seek public comment on a final determination before such a determination takes effect.

Changing the current regulations would help to ensure that the EPA exercises its extraordinary authority under section 404(c) in a careful, predictable and prudent manner. The guiding principle should be to provide landowners, developers and entrepreneurs with certainty that the EPA will not short-circuit the permitting process and will consider all available information, including the results of an EIS, before taking any steps to veto a permit application. Adopting these changes would further the EPA's core mission of protecting human health and the environment while improving predictability and regulatory certainty. The Office of Water shall begin preparing a regulatory proposal forthwith that includes these proposed changes for review and public comment.

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 6/22/2018 4:40:52 PM
To: Ex. 6 - Personal Email
Subject: EPA Office of Research and Development
Attachments: Deputy Assistant Administrator for ORD.DOCX; ORD Positions.xlsx

Ex. 6 it was good to speak with you yesterday. Attached is a position description for the deputy assistant administrator for the office of research and development. However, the description is as appropriate for assistant administrator as deputy.

EPA's ORD has principal offices in Research Triangle with the most staff placed there, DC, and Cincinnati. In addition, ORD maintains 13 smaller labs throughout the country. Attached is a breakdown of the employees at each location. ORD is one of the largest program offices at EPA with 1,500 of EPA's total 13,600 current employees.

Generally, at EPA we have rule writing offices such as Air, Land, Water, and Chemicals, and we have service offices such as Resources (HR and IT), General Counsel, CFO, International and Tribal, Enforcement, and ORD which helps the rule writing offices do their jobs. We would like the head of ORD to work with the rule writing offices to contribute, complement, support science to support the rule writing agenda at EPA and to find new ways for ORD to be a resource to our state DEQs. It's an opportunity to ensure ORD is plugged into the rest of the EPA in a new way to contribute rather than doing a lot of work but work which may not even been known about by the rest of the Agency.

Thanks again for your time. I'll reach out to you again next week.

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency

Ex. 6

DEPUTY ASSISTANT ADMINISTRATOR FOR RESEARCH AND DEVELOPMENT

INTRODUCTION

The Deputy Assistant Administrator for Research and Development serves under the Assistant Administrator for Research and Development. The incumbent to this position will provide input in the planning, policy development and implementation, oversight and direction of management and administrative initiatives underway within the Office of Research and Development; and provide senior level expertise in strengthening the Agency's research program. The primary responsibilities are to oversee and coordinate the development of management policies and strategies and to provide expert scientific leadership and direction for scientific and technical matters in the regulatory process as well as other high priority areas. The duties will involve interactions that are both international and national in scope.

MAJOR DUTIES AND RESPONSIBILITIES

1. The Deputy Assistant Administrator proposes means for improving the quality and content of the organization's management structure and recommends and advises on the content and conduct of responses to Agency requests and legislative mandates.
2. Advises the Assistant Administrator for ORD on overall program goals, objectives, policies, Strategies, managerial approaches, and program plans.
3. Reviews and evaluates documents and correspondence requiring approval by the Assistant Administrator for ORD.
4. Assesses critical, ORD-wide organizational issues across programmatic lines and directs assignment to appropriate ORD office for response to and/or implementation of new Agency policies or programs. Develops options and mechanisms to identify issues of concern and ensures systems are in place to ensure the programs' success and policies are fully implemented.
5. Represents ORD and the Office of the Assistant Administrator for ORD on high level interagency committees. Represents ORD as a senior manager within professional, academic, state and local groups and associations. Maintains continuing contact with various governmental and nongovernmental agencies, universities and associations and participates in seminars, conferences and meetings to ensure ORD's managerial and organizational initiatives and programmatic goals are in sync with Agency mission statements and policies.
6. Directs organizational studies and general management reviews for submission to the Assistant Administrator for ORD, OMB, Congress and others, as required. Based upon analysis of problem trends and critical areas identified and defined, recommends redirection of programmatic efforts and development of new or modified methods, policies, procedures, programs, and strategies.

7. Evaluates status and trends of management and administrative systems in place and based on a broad understanding of organizational goals and mission objectives, recommends new directions, policies and areas of study. Directs ORD actions concerning emerging problems of national significance. Determines the existence of trends and developments which appear to significantly influence long-range organizational plans. Recognizes the need for further studies and development, if necessary. Based upon the analysis of trends and problem areas and the organization's demographical base, recommends the development of new or modified methods, policies, programs, and strategies.
8. Conducts and oversees a comprehensive program, staff and technical analyses of science policy issues and problems as well as providing general advice and guidance covering all aspects of ORD activities.
9. Assists in the development of policies affecting ORD which includes reviewing, evaluating, and recommending adjustments in the Agency science policies and regulations.
10. Facilitates working relationships between science programs in ORD and science and regulatory programs in EPA's Program and Regional Offices and outside organizations on the scientific aspects of regulatory issues of mutual interest in order to support communication and cooperation.
11. Works collaboratively with appropriate ORD and EPA program office experts to provide advanced guidance and information, reviews, analyses, and coordination in support of regulatory and guidance initiatives and makes recommendations to the Administrator and Deputy Administrator.
12. Represents, as appropriate and requested, the Administrator and Deputy Administrator at various task force, panel, and committee meetings as an expert, recognized by peers, at all levels of government, on science and operational program activities concerning or related to the development of Agency science policies and regulations.
13. Undertakes assignments on projects of special concern to the Administrator and Deputy Administrator; establishing contacts at the highest levels of governmental and nongovernment organizations in order to develop information, evaluate findings, and prepare reports incorporating conclusions and specific recommendations. The individual is capable of addressing national level issues.
14. Performs other related executive duties as assigned.

SUPERVISORY CONTROLS

The incumbent receives broad direction and general policy guidance from the Assistant Administrator for the Office of Research and Development. Within this framework, is delegated

full and complete authority for the direction, management, and implementation of assigned duties. Exercises independent initiative in accomplishing missions and objectives in representing the Office of Research and Development, U.S. Environmental Protection Agency, in his/her area of responsibility.

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 6/7/2018 3:40:24 PM
To: Emily Holden [eholden@politico.com]
Subject: RE: Morning Energy: Another mess for Pruitt — Virgin Islands party boss: Zinke ties improved hurricane response — Coal magnate delivered draft orders to Trump

I don't think that will be possible unfortunately. I'm not sure what you mean on the other. Of course not.

From: Emily Holden [mailto:eholden@politico.com]
Sent: Thursday, June 7, 2018 11:29 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: Morning Energy: Another mess for Pruitt — Virgin Islands party boss: Zinke ties improved hurricane response — Coal magnate delivered draft orders to Trump

Haha, well if y'all can get a reporter in sometime, you know I'd be happy to check it out.

Did you cancel Fox News though??

Emily Holden
Reporter, energy/climate
POLITICO
eholden@politico.com
Ex. 6 [(Mobile, WhatsApp, Signal, Confide)
@emilyhholden

From: Jackson, Ryan [mailto:jackson.ryan@epa.gov]
Sent: Thursday, June 7, 2018 11:15 AM
To: Emily Holden <eholden@politico.com>
Subject: Fwd: Morning Energy: Another mess for Pruitt — Virgin Islands party boss: Zinke ties improved hurricane response — Coal magnate delivered draft orders to Trump

Other than chocolate freedom, the best is the popcorn fried chicken and waffles. The syrup has jalapeños in it. That's really key for a guy from the southwest. A big favorite of Pruitt's fat chief of staff.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

Begin forwarded message:

From: "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>
Date: June 7, 2018 at 8:41:07 AM EDT
To: "Jackson, Ryan" <jackson.ryan@epa.gov>
Cc: "Lyons, Troy" <lyons.troy@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>
Subject: Re: Morning Energy: Another mess for Pruitt — Virgin Islands party boss: Zinke ties improved hurricane response — Coal magnate delivered draft orders to Trump

I LOVE Chick-fil-A and God does too. Surya is at CHC so I'll have him grab a bunch.

I have an important question- RJ, did you cancel a subscription to Fox News for epa? It's suddenly no longer available on my work TV. Seriously, though, it's no longer available and this is an issue. Only CNN and MSNBC come though and I can only handle so much #fakenews in one day.

Sent from my iPhone

On Jun 7, 2018, at 6:12 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Troy, we can get free sandwich coupons this morning if we hurry.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

Begin forwarded message:

From: "POLITICO Pro Energy" <politicoemail@politicopro.com>
Date: June 7, 2018 at 5:43:57 AM EDT
To: <jackson.ryan@epa.gov>
Subject: Morning Energy: Another mess for Pruitt — Virgin Islands party boss: Zinke ties improved hurricane response — Coal magnate delivered draft orders to Trump
Reply-To: "POLITICO subscriptions" <reply-fe8913757762017a73-630326_HTML-786581600-1376319-0@politicoemail.com>

By Kelsey Tamborrino | 06/07/2018 05:41 AM EDT

With help from Darius Dixon, Anthony Adragna and Annie Snider

ANOTHER MESS FOR PRUITT: Scott Pruitt has an appetite for food from the White House mess — a U.S. Navy-run restaurant for use only by White House officials, Cabinet members and other dignitaries. In fact, he loves eating there so much, the White House asked him to stop coming by so often, POLITICO's Emily Holden, Andrew Restuccia and Anthony Adragna report.

The message was clear, according to one person close to Pruitt: "We love having Mr. Pruitt, but it's not meant for everyday use." A member of the White House's Cabinet affairs team told agency chiefs of staff last year that their bosses shouldn't treat the mess like their personal dining hall — a comment that came in response to Pruitt's recurring use of the restaurant, sources said.

Pruitt's allies privately disputed that the warning about overuse of the mess was aimed squarely at him, but nobody contests that he's a frequent presence at the establishment in the basement of the West Wing. The White House did not respond when asked about his lunch habits, and EPA declined to comment.

A billing statement from July 2017 offered a glimpse into Pruitt's trips to the mess, racking up a bill of \$400 over nine trips that month — a relative bargain in downtown Washington considering the menu. A cheeseburger at the White House runs just \$6.35, according to Pruitt's bill. Compare that to the \$17 you'd pay for a burger from another favorite Pruitt spot, French bistro Le Diplomate. Read [more](#).

Support for Pruitt is also falling on Capitol Hill, Anthony and Emily report, in the wake of this week's news that Pruitt [sought to buy](#) a used mattress from the Trump Hotel and inquired about securing a Chick-fil-A franchise for his wife. Two more top aides to Pruitt — scheduler Millan Hupp and counsel Sarah Greenwalt — also are leaving the agency. "I'm not going to come down here, just because he happens to be a nominee of a president I support or a nominee from my party, and try to defend the indefensible," Sen. [John Neely Kennedy](#) said. More [here](#).

On the other hand, [Cory Gardner](#), who heads the Senate GOP campaign arm, told reporters he doesn't think Pruitt's ongoing ethics woes will harm his party in the midterms. "The states like Missouri, Indiana, North Dakota have benefited from a regulatory approach this administration has taken," Gardner said.

Environmentalists' "[Boot Pruitt](#)" campaign will gather a "group of cows" outside the Capitol South Metro station today from 8 a.m. to 9:15 a.m. to hand out fake Chick-fil-A coupons for a free chicken sandwich with a donation to Pruitt's legal defense fund. They'll hold signs reading: "Breeth Mor Carbun" and "What the Cluck, Pruitt?"

VIRGIN ISLANDS BOSS PLAYS UP ZINKE

RELATIONSHIP: The head of the Virgin Islands Republican Party suggested his fundraising group's longstanding relationship with Interior Secretary Ryan Zinke helped improve the department's response to last year's hurricanes that struck the island territory, Pro's Ben Lefebvre reports. John Canegata said he had direct access to Interior officials after the storm thanks to money his group raised for Zinke when he was a member of Congress.

Calling Zinke a "close friend," Canegata boasted of his connections in a televised appearance that aired in the Virgin Islands last month but has not received widespread attention outside of the territory. While numerous officials played a role in helping the islands recover from hurricanes Maria and Irma, "behind the scenes, trust me, a lot of telephone calls, a lot of maneuvering was going on because, I think, some of the relationships we built," Canegata said of Zinke.

Interior acknowledged that officials contacted Canegata after the hurricanes but said they did so as part of a wider effort to contact business leaders based in the territory and Zinke did not call him personally. Canegata works for Cruzan Rum, but a company representative told Ben he was not involved in coordinating its relief efforts. Interior expedited the reimbursement of taxes on Virgin Islands rum following the storms, but it was unclear whether Canegata influenced that decision; he did not respond to a request for comment.

For his part, Zinke has known Canegata since at least 2015, Ben reports. The secretary previously came under fire for a fundraiser for the VIGOP, as the group is known, during an official trip to the islands in his first month in President Donald Trump's Cabinet. Read more.

IT'S THURSDAY! I'm your host Kelsey Tamborrino. NRECA's Dan Riedinger correctly identified John Tyler as the only president to have not been a resident of the U.S. when he died. Tyler resided in Virginia at the time, which was part of the Confederate States of America. Today's question: Which Congress had the largest number of veterans in office? Send your tips, energy gossip and comments to ktamborrino@politico.com, or follow us on Twitter [@kelseytam](https://twitter.com/kelseytam), [@Morning_Energy](https://twitter.com/Morning_Energy) and [@POLITICOPro](https://twitter.com/POLITICOPro).

POLITICO convened leading thinkers and policymakers to look closely at the financial well-being of future American retirees. Explore the latest issue of The Agenda to dig more into this important topic and download the Working Group Report to see what potential solutions are being proposed to solve the country's retirement puzzle. *Presented by Prudential*

Join the **Global Public Affairs Club**, a new global community dedicated to **C-level public affairs professionals** launched by POLITICO's sister company, DII. Members receive the **GPAC weekly newsletter**, including original reporting and analysis on **new transparency standards, recent lobbying regulation, risk management and industry best practices**. In addition, members have access to the **Global Public Affairs Forum on Sept. 28 in Paris**. For additional information on GPAC, email Chloé Mimault-Talagrand at cmimault@dii.eu.

MURRAY DELIVERED EXECUTIVE ORDERS TO

TRUMP: Coal magnate Bob Murray handed off drafts of six executive orders that would roll back Obama-era environmental regulations to Trump during the beginning of his administration, according to documents from DOE released under FOIA. The documents include a letter to Energy Secretary Rick Perry from Murray praising Trump's March 2017 energy independence executive order, and included a note where Murray wrote, "we have developed the enclosed materials for your review and consideration, consisting of: six (6) Executive Orders further rescinding anti-coal regulations of the Obama administration; and one (1) memorandum outlining the legal rationale for each of these action, and others."

While Trump did not sign those exact orders, the administration has moved to enact similar policies, Pro's Darius Dixon reports. The documents, which were sent to DOE the day Trump signed his energy independence order and one day before Murray met with Perry and DOE chief of staff Brian McCormack, also included concepts about grid security and "resiliency" that Perry later touted as part of his push to stop coal power plants from closing. Read more.

BAILOUT ON HIS MIND: In private remarks given during his visit to FEMA headquarters Wednesday, Trump mentioned a slew of topics that had nothing to do with hurricanes, The Washington Post reports, while only briefly mentioning Puerto Rico. Trump instead encouraged Perry to make an announcement about rescuing economically struggling coal and nuclear power plants, the Post reports. "I'd love to put it out — 'clean coal, nuclear,' it's a very important message," he said, telling Perry he needed to hold a news conference.

WRDA MOVES AHEAD: The House passed the Water Resources Development Act of 2018 (H.R. 8 (115)) last night, marking the first major piece of infrastructure legislation to move under the Trump administration, Pro's Annie Snider reports. Lawmakers signed off on the measure on a broadly bipartisan vote of 408-2. The bill — markedly narrower than the Senate's measure — would authorize six new Army Corps of Engineers projects and enact a suite of policy reforms at the red tape-laden agency.

What about the Senate? For those wondering, EPW Chairman John Barrasso told ME he'd not yet locked down a time for the Senate to consider its broader version of the water resources infrastructure legislation. Separately, Sen. Tammy Baldwin sent this letter to Trump, calling on him to urge Congress to include a permanent Buy America provision in the legislation.

MUM'S THE WORD: Barrasso, whose state produces a lot of coal and uranium, told ME he isn't ready to back Trump's proposed bailout for coal and nuclear power plants. "I've read the article but

I want to actually see what the proposal is," he said. DOE is still formulating the details of how it would intervene to save the struggling plants.

RESCISSIONS VOTE TODAY: The House is set to vote today on Trump's \$15 billion rescissions bill, Pro's Sarah Ferris reports. The House Rules Committee teed up the bill, H.R. 3 (115), on Wednesday, a quick turnaround that surprised even some GOP lawmakers.

ALL ABOARD: After the rescissions package, the House is ready to start debate on its "minibus" appropriations package, which includes energy and water, legislative branch and military construction-VA spending bills, Pro's Kaitlyn Burton reports. The Rules Committee has set up floor votes on 50 amendments to the energy and water title. A final vote on the overall bill is expected Friday.

SHIMKUS SPEAKS: Rep. John Shimkus, one of the most ardent Yucca Mountain champions in Congress, said his loud floor dispute with Paul Ryan on Tuesday was simply a dispute over "strategy going forward." Other members suggested it had to do with the timing of the Energy-Water bill, since Shimkus thinks delaying until after the midterms might allow Yucca language to make it into the title. The Senate has avoided tackling Yucca due to Sen. Dean Heller's close reelection contest.

POWER OF THE PEN: The House Appropriations Committee agreed to bar EPA from spending more than \$50 on a fountain pen. The amendment — an apparent reference to the \$1,560 Pruitt spent on a dozen fancy writing implements — passed on a voice vote at Wednesday's markup. The panel cleared its version of the fiscal 2019 EPA-Interior bill, on a vote of 25-20. Committee Republicans blocked an effort from Democrats to boost EPA's Office of Inspector General by \$12 million, but approved an amendment that would change revenue sharing for drilling in the Arctic National Wildlife Refuge. And while the pen amendment passed, the committee shot down another amendment from Democratic Rep. Mike Quigley related to Pruitt's travel.

MEETING WITH A FULL DECK: The last time the leadership of FERC and the Nuclear Regulatory Commission got together, there were just enough commissioners between the two agencies to fill one five-member board. Fast-forward to today, and it's a full house for the first time in years thanks to confirmation of two new NRC leaders last month. The get-together is slated to run for just over two hours. An agenda hasn't been released but the meetings usually involve staff presentations on grid reliability — and how it might be impacted by the retirement of nuclear plants — and cybersecurity regulations. Finding the areas where an economic regulator overlaps with a safety watchdog isn't always obvious.

The meeting is slated to run from 9 a.m. to 11:15 a.m. at FERC headquarters, and will be webcast.

ROYALTY RUMPUS: Interior's Royalty Policy Committee approved recommendations Wednesday aimed at expanding energy lease sales and lowering royalty rates, Ben recaps. But during the advisory committee's meeting, two members questioned whether it had the power to suggest changes to federal environmental review. "NEPA is not referred to in the [committee] charter," Rod Eggert, a professor at the Colorado School of Mines, said during the meeting. "The text in the charter refers to royalties and collections of royalties." Read more here.

Later Wednesday, BLM sent out a memo instructing field offices to look for ways to speed up permit processing, including by using categorical exclusions, Ben reports.

— **Meanwhile, the Central Arizona Project will meet today** on proposals for sourcing cheaper power to run the Navajo Generating Station. The Bureau of Land Reclamation last week sought to delay the coal-fired power plant's closure, arguing that a 1968 law gives Zinke the authority to require the Arizona water project buy energy from the power plant. Reuters has the rundown here.

GROUPS WARY OF INTERIOR DRAFT BILL: A coalition of sportsmen's groups is concerned about draft legislation that appeared before the House Natural Resources Energy Subcommittee on Wednesday. According to the draft bill, it would enable Interior to recover the costs of administrative protests to oil and gas lease sales, drilling permits and other applications. The bill, they say, would make it more difficult for sportsmen and women to comment on oil and gas lease sales on public land.

BLANKENSHIP IS BACK: Former coal baron Don Blankenship hasn't given up hope to take on the establishment and earn himself a spot in the Senate. After losing a primary bid to West Virginia Attorney General Patrick Morrisey, Blankenship's campaign announced Wednesday it is petitioning to gain ballot access for the general election as the nominee for the Constitution Party.

BIPARTISAN LETTER ASKS PRUITT TO DROP 'SECRET SCIENCE': More than 100 lawmakers — including Republican Reps. Brian Fitzpatrick, Carlos Curbelo, Ryan Costello and Ileana Ros-Lehtinen — signed onto a letter to Pruitt today, asking him to withdraw EPA's so-called secret science proposal to bar EPA from using studies that don't make public all their data. Read the letter here.

DEMS WARN AGAINST E15: Democratic Sens. Tom Udall and Peter Welch are calling on EPA to abide "by all legal and regulatory requirements" as the Trump administration weighs the year-round sale of 15 percent ethanol blends of gasoline. "We are

very concerned that career EPA officials may be being directed to reverse over 25 years of the agency's position to manufacture legal and scientific justifications for a politically-directed decision on E15," they write. Read the [letter](#).

MAIL CALL! RELEASE THE STUDY: A coalition of environmental groups will send [this letter](#) today to HHS Secretary Alex Azar, calling on him to release the controversial federal chemical pollution study [blocked by EPA officials](#).

— **Nineteen environmental groups filed a letter** to the House in opposition of [H.R. 5895 \(115\)](#), the so-called minibus, which they say sets up an improper use of water and natural resources, and undermines safe nuclear waste disposal. Read it [here](#).

FOR YOUR RADAR: The International Wildlife Conservation Council, which came [under fire](#) for the big-game trophy hunters added to its ranks, will hold its next meeting June 19 in Atlanta, according to the [Federal Register](#).

ON THE WEB: The Center for American Progress is launching a new website today that is dedicated to tracking legal challenges to the Trump administration's conservation agenda. See it [here](#).

QUICK HITS

— The heat is back on high: May smashes U.S. temperature records, [Associated Press](#).

— Man dies at Randolph County mine, [Charleston Gazette-Mail](#).

— Hurricanes are traveling more slowly — which makes them even more dangerous, [The Washington Post](#).

— Trump falsely claims "We're now exporting energy for the first time," [The New York Times](#).

— Trump's move to please farmers on biofuels reform draws refinery union ire, [Reuters](#).

HAPPENING TODAY

8:00 a.m. — Exchange Monitor holds [Decommissioning Strategy Forum](#), Nashville

8:30 a.m. — New Energy Update holds [U.S. Offshore Wind conference](#), Boston

9:00 a.m. — The Atlantic Council and the American Council on Renewable Energy [discussion](#) on "The State of America's Energy

Transition: Renewable Energy Policy Network for the 21st Century Renewable Global Status Report," 1030 15th Street NW

9:00 a.m. — Industry Exchange holds Mexico Gas Summit, San Antonio, Texas

9:00 a.m. — The Federal Energy Regulatory Commission and the Nuclear Regulatory Commission joint meeting, 888 First Street NE

11:00 a.m. — House Energy and Commerce Committee hearing on "Improving the Hydropower Licensing Process," 2123 Rayburn

11:00 a.m. — House Transportation Coast Guard and Maritime Transportation Subcommittee hearing on "Maritime Transportation in the Arctic: The U.S. Role," 2167 Rayburn

12:00 p.m. — Hill briefing on "The Export Subsidy RIN: A Valueless Dead End," 608 Dirksen

12:30 p.m. — Women of Renewable Industries and Sustainable Energy lunch and learn, 1501 M St NW

1:00 p.m. — House Science Energy Subcommittee hearing on the electric grid, 2318 Rayburn

2:00 p.m. — House Natural Resources Oversight Subcommittee hearing on "Wildfire Risk, Forest Health, and Associated Management Priorities of the U.S. Forest Service," 1324 Longworth

THAT'S ALL FOR ME!

To view online:

<https://subscriber.politicopro.com/newsletters/morning-energy/2018/06/another-mess-for-pruitt-244517>

Stories from POLITICO Pro

Another mess for Pruitt: Overstaying his White House welcome at lunch [Back](#)

By Emily Holden, Andrew Restuccia and Anthony Adragna | 06/06/2018 10:17 PM EDT

EPA Administrator Scott Pruitt loves eating at the White House mess, an exclusive U.S. Navy-run restaurant open only to White House officials, Cabinet members and other dignitaries.

But apparently he liked it too much, and the White House asked him to please eat elsewhere sometimes.

In response to Pruitt's recurring use of the restaurant next to the Situation Room in the basement of the West Wing, a member of the White House's Cabinet affairs team told agency chiefs of staff in a meeting last year that Cabinet members shouldn't treat the mess as their personal dining hall, according to three people with knowledge of the issue.

The message was clear, according to one person close to Pruitt: "We love having Mr. Pruitt, but it's not meant for everyday use." Another person added that the White House asked Cabinet members to visit the mess only occasionally because there are few tables available.

A renovation to update the West Wing HVAC last August included the mess kitchen and may have limited space, one person said. The renovation came shortly after the president tapped John Kelly as chief of staff, and he implemented several day-to-day changes to bring order to the White House.

The White House did not respond to a request for comment and EPA declined to comment. Pruitt's allies privately disputed that the warning about overuse of the mess was aimed squarely at him, but nobody contests that he's a frequent presence at the White House for lunch.

Pruitt has been known to complain that EPA headquarters has no cafeteria of its own and no private dining quarters, according to multiple sources, who said Pruitt still often heads to the White House for lunch. One source said EPA officials called the White House to explain that Pruitt didn't have a place to eat at EPA and would like to continue to visit. Pruitt's EPA office is only a few blocks up Pennsylvania Avenue from the White House.

A billing statement from July 2017 offered a glimpse into Pruitt's use of the mess, showing the EPA chief or people linked to him dined at the mess at least nine times that month, racking up a bill of \$400, a relative bargain in downtown Washington. Pruitt and his guests dined on dishes like "cowboy" skirt steak, popcorn chicken and waffles, spinach strawberry salad and beer-braised brisket tacos.

While the food is considered to be top-notch, the prices are a real bargain. Skirt steak runs just \$10.25, while coriander beef kabobs were just \$11.95 each. And a cheeseburger runs just \$6.35, according to his bill. The burger at another of Pruitt's haunts, French bistro Le Diplomate, runs \$17.

Records obtained through a Sierra Club Freedom of Information Act request also show Pruitt often sought to bring friends from Oklahoma to the White House mess.

Five friends from Tulsa — Charlie Polston, Carlyn Mattox, David Mattox, Bob Wagoner and Jerry Dillon — were invited for a September lunch there with him, though it didn't appear in Pruitt's detailed calendar obtained through FOIA.

That lunch came just two weeks after Pruitt made a lunch date there with Bob Funk, a wealthy Oklahoma Republican with whom he bought a major stake in the minor league Oklahoma City RedHawks baseball team back in 2003.

"Please have Mr. Funk arrive at EPA building at 11:40am to ride with Administrator Pruitt to the WH," Lincoln Ferguson, a senior adviser for public affairs, wrote in an email. There was no entry in Pruitt's calendar for the time when the lunch was to have taken place.

Calendars from Pruitt's senior aides show he made frequent use of the space in the month following his February 2017 Senate confirmation. He dined there on Feb. 27, March 2 and met with Ivanka Trump, the president's daughter and West Wing adviser, on March 13. Chief of staff Ryan Jackson's calendar also lists a lunch in the "Mess" on March 16.

Pruitt also hosted representatives from the Oklahoma Farm Bureau on March 29, according to Jackson's calendar. And he returned for lunch with Mike Catanzaro, a senior White House energy aide, and several senior aides on April 7.

Pruitt and his guests also seemed to have a sweet tooth, partaking of a dessert called "Chocolate Freedom" on multiple occasions. As POLITICO reported in January 2017, the dish — a molten cake made with imported French chocolate that must be ordered at the beginning of lunch because of the baking time — was also popular among Obama administration staffers on their way out the door.

Chocolate Freedom has garnered rave reviews online, and once prompted comedian Zach Galifianakis to ask whether it was also the staff's nickname for former President Barack Obama.

Also available to diners: boxes of red, white and blue M&Ms featuring the presidential seal.

Alex Guillén contributed to this report.

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[Back](#)

Pruitt wanted to buy 'old mattress' from Trump International Hotel [Back](#)

Two senior House Oversight Democrats are demanding Chairman Trey Gowdy (R-S.C.) subpoena Scott Pruitt for documents after one of his closest aides told congressional investigators the EPA administrator had her book a personal flight to the Rose Bowl, search for housing for him and try to buy him an "old mattress" from the Trump International Hotel.

Ranking member Elijah Cummings (D-Md.) and Gerry Connolly (D-Va.) demanded that Gowdy compel Pruitt to turn over all documents related to the potential mattress purchase, efforts to secure personal flights, and work that agency employees performed on non-EPA tasks for Pruitt that have been withheld from an earlier April Democratic request. That followed a May 18 transcribed interview with Millan Hupp, Pruitt's scheduler.

"If Ms. Hupp's statements to the Committee are accurate, Administrator Pruitt crossed a very clear line and must be held accountable," they wrote. "Federal ethics laws prohibit Administrator Pruitt from using his official position for personal gain and from requesting and accepting services from a subordinate employee that are not part of that employee's official duties."

As part of its investigation into Pruitt, the Oversight Committee said it has conducted several transcribed interviews and obtained 2,350 pages of documents, and a spokeswoman criticized the release of Hupp's testimony.

"Selectively releasing portions of witness interview transcripts damages the credibility of our investigation and discourages future witnesses from coming forward. The Committee will continue conducting a serious, fact-driven investigation, and therefore will wait until the conclusion of our investigation to release our findings," committee spokeswoman Amanda Gonzalez said in a statement.

White House Press Secretary Sarah Huckabee Sanders said Monday the administration is "looking into" the issues in the Democrats' letter, but didn't outline any more specific steps.

"I couldn't comment on the specifics of the furniture use in his apartment and certainly would not attempt to," she said, referring to Pruitt's interest in the mattress.

According to the Democrats' letter, Hupp told Oversight staff she worked with the managing director of the Trump International Hotel in hopes of securing an old mattress. She said Pruitt had told her someone at the hotel indicated he could purchase the mattress, though she did not know why he wished to do so and did not know if he ultimately bought it.

In addition, Hupp said she sent several emails to real estate agents over a period of several months last summer during work hours to help Pruitt find housing after he verbally asked for her help. She said she visited a "probably more than 10" properties during her lunch hour over the course of several months. Hupp said she didn't use work email for the searches and was not paid for her efforts.

Pruitt and his wife ultimately settled on an apartment on 13th and U streets, but left it shortly afterwards because "they were not comfortable in the area," according to Hupp.

Democratic lawmakers have honed in on Pruitt's admission during a May 16 Senate subcommittee hearing that Hupp had searched for housing for him without pay on her own personal time.

"It doesn't cut it that they're a friend or that kind of thing," Sen. Tom Udall (D-N.M.) told Pruitt at the hearing, because having a subordinate staff member voluntarily conduct tasks on personal time would constitute a gift.

"That's in violation of federal law," Udall told Pruitt.

An EPA spokesman said the agency continued to give the information it was seeking.

"We are working diligently with Chairman Gowdy and are in full cooperation in providing the Committee with the necessary documents, travel vouchers, receipts and witnesses to his inquiries." EPA spokesman Jahan Wilcox said in a statement.

According to the Democrats' letter, Hupp said around Christmas she used a personal credit card from Pruitt in her possession to arrange his personal trip to the Rose Bowl in California to watch the Oklahoma Sooners football team play. She did not know why Pruitt, who sent her the details for the trip, and couldn't book the flight on his own.

"He just sent me the flights details and asked me to book for him," Hupp said.

Hupp indicated she considered Pruitt a personal friend, which was why she did these tasks for him. She said the two had met for dinners that were attended by just the two of them.

"We worked very closely together and spent a lot of time together," she said. "I traveled with him, so naturally a friendship developed."

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[Back](#)

Republicans losing patience with scandal-scarred Pruitt [Back](#)

By Anthony Adragna and Emily Holden | 06/06/2018 05:37 PM EDT

Republicans on Capitol Hill are growing frustrated with EPA Administrator Scott Pruitt — and many are now publicly questioning whether he can hang on to his job amid the unending stream of scandals.

Several GOP lawmakers said their patience was running thin after this week's news that Pruitt sought to buy to buy a used mattress from the Trump Hotel and inquired about securing a Chick-fil-A franchise for his wife. And Pruitt's circle of confidantes inside the agency appeared to be shrinking as well, with two of his closest aides set to depart in the coming days.

"The constant drip needs to stop so the agency can get its footing and focus back," House Energy and Commerce Chairman Greg Walden (R-Ore.) told reporters. "They're doing some really good work in the environmental front, but this needs to stop."

"Sometimes people get tripped up on other things besides the core mission, and I think that's what you're seeing," Sen. Shelley Moore Capito (R-W.Va.) told reporters.

Pruitt's scheduler, Millan Hupp, is resigning following her interview by the House Oversight Committee during which she disclosed that she helped her boss find housing and inquired about purchasing a used mattress for him from the Trump International Hotel.

And his top legal counsel, Sarah Greenwalt, will also depart, according to sources. Both women had worked for Pruitt in the Oklahoma attorney general's office and both were among the staff that received raises that had been rejected by the White House.

"I think it's extremely fair to say her and Millan both are tired of the daily grind here," one EPA official said. "Everybody is painfully aware of that."

While acknowledging that President Donald Trump would ultimately make any decision about Pruitt's job, several Republicans indicated Pruitt's support was waning in their conference.

"I'm not going to come down here, just because he happens to be a nominee of a president I support or a nominee from my party, and try to defend the indefensible," Sen. John Kennedy (R-La.) said. "I thought that Mr. Pruitt would have learned his lesson."

Kennedy added: "I said the same thing about Tom Price," referring to Trump's former HHS secretary who resigned after spending lavishly on military and private jets.

Trump reaffirmed his support for Pruitt on Wednesday when they participated in a briefing on the 2018 hurricane season with several Cabinet officials.

"EPA is doing really, really well," Trump said. "You know, somebody has to say that about you a little bit. You know that, Scott."

But even staunch Pruitt allies like Sen. Jim Inhofe (R-Okla.) said the mounting scandals had them rethinking their support.

"Some are true, some are not true. Whether he can weather the storm, I'm not sure," Inhofe said. "The accusations are all troubling. They are."

A few Republicans stood by Pruitt, arguing he's been targeted by an environmental community and press corps eager to take him down.

"I like him," Sen. Roger Wicker (R-Miss.) said. "He is a target because he's keeping the president's campaign promises."

But a more common view among GOP lawmakers was the collective stream of scandals were taking their toll and making Pruitt's position untenable.

"Take a thousand cuts and [there's] not much energy left," Senate Appropriations Chairman Richard Shelby (R-Ala.) told reporters.

Rep. John Shimkus (R-Ill.), who leads the Energy and Commerce subcommittee overseeing EPA, joked he "can't keep up" with the flood of allegations and said he's concerned they haven't stopped.

"These unforced errors are unforced errors," he said. "I don't like being asked all the time about this."

But he raised a possible reason why Republicans weren't abandoning Pruitt: getting a replacement confirmed by the Senate would be nearly impossible.

"Are you going to promise me we could even get an administrator?" he said. "I think that's another concern."

In a video posted by a Nexstar Wednesday, Pruitt defended his attempts to set his wife up with a Chick-fil-A franchise Wednesday, while the president reaffirmed his support in the administrator.

Pruitt said that his wife is "an entrepreneur herself" and that the pair loved the fast-food franchise. As he has in the past, Pruitt dismissed criticism of his behavior as being driven by opposition to the Trump administration's deregulatory policies.

"With great change comes, I think, opposition," he said in a clip the reporter posted to Twitter.

Pruitt did not directly address whether he had asked an EPA aide to reach out to Chick-fil-A President Dan Cathy to inquire about his wife opening up her own restaurant, as the Washington Post first reported Tuesday.

"Chick-fil-A is a franchise of faith and it's one of the best in the country, so that was something we were very excited about," he told the Nextstar reporter Wednesday. "We need more of them in Tulsa, [Okla.]. We need more of them across the country."

Kelsey Tamborrino contributed to this report.

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[Back](#)

Trump's Interior chief 'hopping around from campaign event to campaign event' [Back](#)

By Ben Lefebvre and Esther Whieldon | 10/05/2017 05:01 AM EDT

Republican donors paid up to \$5,000 per couple for a photo with Interior Secretary Ryan Zinke at a fundraiser held during a taxpayer-funded trip to the U.S. Virgin Islands, according to documents reviewed by POLITICO — raising questions about his habit of mixing official government business with political activism.

The new details about Zinke's March trip to the Caribbean, including the previously undisclosed invitation to the Virgin Islands Republican Party fundraiser, emerged after weeks of scrutiny of the former Montana GOP congressman's travels. The nearly two-hour event was one of more than a half-dozen times Zinke has met with big donors or political groups while on department-paid trips, Interior travel records and other documents show.

Ethics watchdogs say Zinke is combining politics with his Interior duties so frequently that he risks tripping over the prohibitions against using government resources for partisan activity, even though his appearance at the Virgin Islands event seems to have

been legal. Democrats have also seized on the issue, including 26 House members who wrote in a letter Tuesday that Zinke's travels "give the appearance that you are mixing political gatherings and personal destinations with official business."

Zinke has said all his actions have obeyed the law, dismissing concerns about his travel as "a little BS."

But some ethics advocates say Zinke's attendance at a fundraiser during his first month as secretary is not in line with past administrations' conduct, even if he crossed no legal red lines.

"It happens on occasion with other Cabinet secretaries, perhaps even a little more often as you get near the election, but it is not a very common practice for Cabinet members to be hopping around from campaign event to campaign event like we're seeing with Zinke," said Craig Holman, government affairs specialist for government watchdog Public Citizen.

The secretary is already under investigation by his department's inspector general over his use of taxpayer-funded private planes for some of the trips, and the Office of Special Counsel is looking into an activist group's allegations that he violated the Hatch Act, the law limiting political activism by federal employees. The White House has cracked down on Cabinet members' travel habits following former HHS Secretary Tom Price's resignation on Friday, which occurred after POLITICO reported on his own expensive flights.

Zinke visited the Virgin Islands from March 30 to April 1 on an official trip related to the Interior Department's role overseeing the U.S. territory. On his first day, following a "veterans meet and greet" and a reception with Gov. Kenneth Mapp, he appeared in his personal capacity at a March fundraiser for the local Republican Party at the patio bar of the Club Comanche Hotel St. Croix, department records show.

Tickets for the fundraiser ranged from \$75 per person to as much as \$5,000 per couple to be an event "Patron," according to Zinke's official calendar and a copy of the invitation. Patrons and members of the host committee, who paid \$1,500 per couple, could get a photo with Zinke at the start of the event, which was attended by local party members and elected officials.

The following day, Zinke took a \$3,150 flight on a private plane, paid for by the department, from St. Croix to official functions on St. Thomas and returned later that evening. Interior Department officials said there was no other way to accommodate his schedule, which included official events on both islands commemorating the 100th anniversary of the Dutch government transferring control of the islands to the United States.

Zinke is allowed to engage in partisan political activity in a "purely personal (not official) capacity," so long as he does not use government resources, according to Interior Department guidelines on the Hatch Act and other federal laws. The invitation to the GOP fundraiser did not identify Zinke by his official title and included a disclaimer that the money is being solicited by the local party and "not by any federal official."

All told, Zinke has spent around \$20,000 for three charter flights as secretary, nowhere near the \$1 million tab Price racked up on non-commercial trips. But he has on numerous occasions attended political receptions, spoken to influential conservative groups or appeared alongside past campaign donors during trips he has taken outside of Washington, D.C., for official department business.

In one instance, Zinke gave a motivational speech for a professional hockey team owned by a major campaign contributor that he said was official business — and which required him to charter a \$12,000 flight to Montana for an appearance at the Western Governors Association the next day.

In another case, during a speech to the Western Conservative Summit in Denver, he was introduced via a recorded voice as the Interior secretary and Zinke proceeded to talk about the agency's priorities. The summit was organized by the Centennial Institute, which bills itself as Colorado Christian University's think tank and is a part of the State Policy Network of organizations that collectively push for conservative state-level legislation.

An Interior spokeswoman said Zinke always follows the law but declined to answer specific questions about his appearance at the Virgin Islands fundraiser, nor say whether he would keep raising political money. The agency also has yet to post Zinke's trip expenses involving any of the political events.

"The Interior Department under the Trump Administration has always and will always work to ensure all officials follow appropriate rules and regulations when traveling, including seeking commercial options at all times appropriate and feasible, to ensure the efficient use of government resources," spokeswoman Heather Swift said in a statement.

Swift did not respond to questions about whether the department had gotten reimbursement for the political portion of Zinke's three-day Virgin Islands trip, as the head of one watchdog group says it should have.

"Some of this travel is clearly political and that part of the travel should have been paid for by the RNC, NRCC, state political parties, a campaign committee or Zinke personally," said Daniel Stevens, executive director of the Campaign for Accountability.

No payments to the department are listed in the Virgin Islands Republican Party's FEC records.

Zinke is not the first Interior secretary, or Cabinet member, to have his activities questioned.

In 2012, a watchdog group called Cause of Action urged the Office of Special Counsel to investigate whether President Barack Obama's then- Interior Secretary Ken Salazar had violated the Hatch Act while taking an Obama reelection campaign RV tour of Colorado with a couple of lawmakers and the state lieutenant governor. Local organizers of one stop on that tour had billed Salazar on its online events calendar as attending the political rally in his official role. OSC would not say whether its investigation uncovered any problems, but travel records Interior has posted show that one of Salazar's aides had told the tour's coordinator the schedule "should not refer to (Salazar as) 'secretary.'" Salazar did not respond to a request for comment.

A former Salazar aide, who was not authorized to speak on the record, said the Obama administration generally tried to avoid scheduling political events that coincided with official travel because it was difficult to divvy up what expenses should be reimbursed by a campaign.

The special counsel's office found Obama HHS Secretary Kathleen Sebelius in violation of the Hatch Act in 2012, saying she had made "extemporaneous partisan remarks" by endorsing a candidate for North Carolina governor during a speech she made in her official capacity. Sebelius tried to scrub the violation by reclassifying the appearance as political and reimbursing the Treasury Department for costs associated with the trip.

Sally Jewell, who was Interior secretary during Obama's second term, said Zinke was within his rights to appear at the fundraiser in the Virgin Islands. Jewell said she once appeared at a fundraiser for Democratic Sen. Maria Cantwell while in Obama's Cabinet, though she paid her own way to Washington state and was not identified by her official title.

"If he had legitimate business while he's on the island, to do a political thing on the side, I don't think that is that unusual," Jewell said in an interview.

EPA Administrator Scott Pruitt canceled his scheduled appearance at a fundraiser for the Oklahoma Republican Party in April because an invitation had identified him by his official title and said he would discuss his work at the agency. EPA ethics officials said he would have been cleared to attend the event if not for that language on the invitation.

Watchdog groups say Zinke's behavior fits a pattern for Trump's Cabinet.

"These government resources have been abused by this administration," said Virginia Canter, an executive branch ethics counsel for Citizens for Responsibility and Ethics in Washington who previously worked as an ethics official for Presidents George H.W. Bush, George W. Bush and Obama. "To the extent that some of that supports their political ambitions is inconsistent with the intent of this authority."

The Campaign for Accountability called on Interior's inspector general and the Office of Special Counsel to investigate whether Zinke violated the Hatch Act or department ethics rules with his speech to the hockey team, which the group said appeared to be a favor for a donor. Interior's IG office announced its investigation earlier this week, and OSC told the Campaign for Accountability that it was looking into the group's complaint, according to an email shared with POLITICO. The OSC declined to comment.

Reps. Raúl Grijalva (D-Ariz.) and Donald McEachin (D-Va.) have asked Interior's IG to also look into any trips on which the secretary was accompanied by his wife, Lola Zinke, who is chairing the campaign of Montana Republican Troy Downing, a candidate to unseat Democratic Sen. Jon Tester next year. Swift said Lola Zinke was not in the Virgin Islands and has paid her own way whenever she has traveled with her husband on official trips.

Many who know him see Zinke's travels as an attempt to keep in touch with political contacts as he contemplates what he will do after leaving the Trump administration. Back home, the 55-year-old former Montana congressman is seen as an attractive candidate for the open-seat governor's race in 2020, when Democratic Gov. Steve Bullock will have to step down because of term limits.

"I think he's definitely got political aspirations; that's one of the reasons why he is where he is at right now," said Land Tawney, executive director of Backcountry Hunters and Anglers, a Montana-based sportsman group that supported Zinke's bid for Interior secretary. "You don't go from being a Montana legislator to a first-term congressman to [Interior] secretary without having ambition."

The Virgin Islands trip was Zinke's first interaction with big donors or influential conservative groups during his travel as Interior secretary.

A weeklong trip in May that took Zinke through Montana, Utah and California also offered a chance to squeeze in some political events.

Zinke delivered the keynote speech at the RNC spring meeting on May 11 in Coronado, Calif. Zinke had flown to California the previous night, after several days touring monuments in Utah, and the RNC speech was his only event in the state aside from a meeting earlier that afternoon with Rep. Amata Radewagen, the Republican delegate from American Samoa, and members of the American Tunaboat Association.

The next day, Zinke flew back to Montana, where he joined Sen. Steve Daines (R-Mont.) and Vice President Mike Pence to tour a coal mine on the Crow Indian reservation operated by the Westmoreland Coal Co.

The trip offered Zinke and Pence an opportunity to tout the Trump administration's work to promote new coal mining on federal lands — and it allowed them to make a brief detour to promote Zinke's congressional replacement. That Friday night, Zinke, Pence and Daines attended a political rally for GOP candidate Greg Gianforte, and Zinke attended a get-out-the vote event for the Montana GOP the next day.

Zinke apparently paid for his return trip to Washington out of his own pocket — it was marked "personal travel" on his calendar, a designation not applied to the other flights on that trip.

Gianforte, whose wife is a major political donor in Montana, won the May 25 special election to take over Zinke's House seat.

Greg and Susan Gianforte donated more than \$10,000 to Zinke's 2016 congressional campaign and another \$10,000 to a joint Zinke-Daines PAC, according to federal records. The couple donated \$5,000 for his earlier run for Congress.

Zinke met with big influencers and donors in June as well.

On June 25, he flew from D.C. to Reno, Nev., where his only scheduled event was a meeting of the Rule of Law Defense Fund, a group of Republican attorneys general that has been linked to the Koch brothers, where he spoke and took questions for about 30 minutes, according to his schedule.

After his remarks, he sat at a dinner table with Montana's attorney general, the government relations specialist for the Venetian Resort Hotel Casino and Las Vegas Sands, and Koch Industries lobbyist Allen Richardson, Interior documents show.

The next day, Zinke flew to Las Vegas for an event on public lands in nearby Pahrump, Nev., and a speech that night to the National Hockey League's Vegas Golden Knights. Bill Foley, the team owner and chairman of Fidelity, introduced Zinke. Foley donated \$7,800 to Zinke's 2014 campaign, while employees and PACs associated with Fidelity and related companies gave another

\$180,000. Interior officials said the speech to the NHL team was part of Zinke's official duties, and they pointed to scheduling conflicts it created to justify his use of a \$12,000 private plane to get to a Western Governors Association meeting in Montana the next day.

In July, Zinke spoke to several conservative groups in Colorado during a three-day trip that also included tours of Interior Department facilities in the state. He flew into Denver on July 20 so he could appear that evening at a closed-door reception for the American Legislative Exchange Council, a group of conservative state legislators, lobbyists and industry groups that has pushed for more state control over federal lands.

And over the next two days, he was a featured speaker at a Republican committee roundtable and attended the Western Conservative Summit in Denver.

Eric Wolff contributed to this report.

To view online [click here](#).

[Back](#)

Zinke's political ties to Virgin Islands improved Interior's hurricane response, party boss says [Back](#)

By Ben Lefebvre | 06/07/2018 05:11 AM EDT

The top GOP official in the U.S. Virgin Islands suggested his fundraising group's "behind the scenes" relationship with Interior Secretary Ryan Zinke helped influence the department's response to last year's hurricanes in the island territory.

John Canegata, the head of the Virgin Islands Republican Party, said he had direct access to Interior officials after the storm thanks to money his group raised for Zinke, whom he described as a "close friend." Zinke, a former congressman, has known Canegata since at least 2015, and the secretary was at a [fundraiser](#) for the VIGOP, as the group is known, during an official trip to the islands in his first month in President Donald Trump's Cabinet.

Interior officials acknowledged reaching out to Canegata, who also works for a major rum distiller in the territory, although they said it was part of a wider effort to contact business leaders based in the territory and Zinke did not call him personally. However, a representative of the distiller said Canegata was not involved in their relief efforts, and a spokesman for the Virgin Islands' House delegate disputed Canegata's involvement in the hurricane response.

The department expedited reimbursements of rum taxes as part of its response to the hurricanes, although it's unclear whether Canegata's connection influenced that decision. Interior has jurisdiction over U.S. territories including the Virgin Islands but not Puerto Rico, which suffered more extensive devastation.

Disaster response experts say it would be inappropriate for Canegata's political connections to influence Interior's efforts in the Virgin Islands.

"These are processes that are supposed to be transparent and supposed to be above the board," said Eric LeCompte, executive director of Jubilee USA, an anti-poverty group that has been involved in hurricane disaster relief efforts. "So, it would not be something a political party would be part of."

VIGOP is not a typical political party and faces frequent inquiries from the FEC to better explain its fundraising practices and expenses. Some critics, including past Republican clients, say the group bilks conservative donors with promises to fight Democrats while spending the bulk of its money on overhead instead of political advocacy. The group spends the vast majority of its money on a small group of Washington-area political consultants who have also done work for Zinke's campaign and leadership PACs.

Zinke was introduced to the VIGOP in 2015 by a Washington fundraising consultant who also did work for his campaigns, and as a member of Congress he has traveled to at least two political conferences in the Virgin Islands sponsored by the group, POLITICO reported last year. Zinke and Canegata are seen together during a prior trip in a photo posted to Facebook.

Canegata boasted about his Zinke ties in a televised appearance on WTJX Virgin Islands Public Broadcasting that aired last month but has not received widespread attention outside of the territory.

"We were in direct connection with the Department of Interior," Canegata said in the broadcast.

"Secretary Zinke, happens to be, I wouldn't say a personal friend, but a close friend," Canegata continued. "Prior to him being the secretary of Interior, we spent some time in Washington, we spent some time here in the Virgin Islands. We supported him when he was a congressman and, behold, he becomes the secretary of Interior."

While Canegata credited other officials with their part in aiding the island's response, he said the pre-existing connection to Zinke was key.

"Obviously, we have our congresswoman, our governor doing their job," Canegata continued. "But behind the scenes, trust me, a lot of telephone calls, a lot of maneuvering was going on because, I think, some of the relationships we built."

The Office of Special Counsel on Tuesday closed its investigation into Zinke's appearance at the Virgin Islands fundraiser in March 2017, finding that he had not violated the Hatch Act because he was there in his official capacity and VIGOP reimbursed Interior for its expenses. Interior's inspector general also recently said the appearance at the fundraiser was not inappropriate. It is unclear whether either of those investigations addressed any link between VIGOP and Interior's hurricane response; both offices declined to comment.

Interior's Office of Insular Affairs, which oversees the Virgin Islands, "reached out to dozens of local government employees as well as major private sector employers in the USVI to check their power status and to see how the office could help," Interior spokeswoman Heather Swift said in an email. Canegata "was contacted by those Insular Affairs officials because he works for one of those major private employers, Cruzan Rum."

Canegata, a supply chain specialist at the rum distillery, had no role in the company's disaster relief efforts, according to Cruzan Rum human resources manager Ayanda Daniels.

"He wasn't part of the coordination," Daniels told POLITICO. "Maybe he had a conversation with someone in order to do something, but we had another team for company response."

James Norton, a former Department of Homeland Security Deputy official during the George W. Bush administration, said it is important for disaster response efforts to be handled through the appropriate channels.

"As a matter of proper procedure, it would only be appropriate for all federal actions to be dealt with solely with official authorities at the Department of Defense, Interior, Homeland Security, FEMA, etc., and those local officials on the ground," said Norton, who is now head of the consulting agency Play-Action Strategies. "Anything other than raising awareness and reaching out to get an update on what's happening would be inappropriate, as a political party or other organization doesn't have command and control authority, nor would they be the designated principal federal official on the ground directing rescue operations."

A spokesman for Stacey Plaskett, the Democratic House delegate from the Virgin Islands, disputed Canegata's version of events.

"I cannot honestly remember hearing them or seeing them do anything to that effect," Plaskett's spokesman Mike McQuerry

said. "The congresswoman was the person here in D.C. that worked extremely hard during that time to get those funds to the Virgin Islands."

Canegata did not respond to a request for comment this week.

Interior expedited reimbursement of \$223 million in taxes on Virgin Islands rum imported into the mainland and provided a \$567,500 grant to help with a post-hurricane finance audit. Other hurricane relief funds would have come from FEMA, an Insular Affairs spokesperson said.

Otherwise, Zinke and Insular Affairs head Doug Domenech met with Virgin Islands Gov. Kenneth Mapp to discuss recovery efforts, the Insular Affairs spokesperson said. In November, Domenech also met representatives of Cruzan Rum's parent company, Beam Suntory, to discuss the rum tax reimbursements Interior makes to the territory. Beam Suntory donated \$1.5 million to hurricane relief efforts the previous month.

Swift said Zinke did not personally reach out to Canegata. "The only official in the USVI the Secretary called was Governor Mapp," she said.

To view online [click here](#).

[Back](#)

Murray had early access to Perry to share coal plan [Back](#)

By Eric Wolff | 12/07/2017 04:22 PM EDT

Coal magnate Bob Murray pitched Energy Secretary Rick Perry on his plan to throw an economic lifeline to coal companies less than a month before Perry set in motion plans to aid the industry, according to newly disclosed photographs that show the two meeting.

The liberal magazine [In These Times](#) obtained [pictures](#) of Murray and Perry from a March 29 meeting at Energy Department headquarters, less than a month after Perry was [sworn in](#). Several other officials were in attendance, including Andrew Wheeler, who at the time was a lobbyist for Murray and has since been nominated as EPA's No. 2 official.

The meeting puts Murray and Perry together at a crucial moment in the timeline of the Trump administration's push to save the struggling coal industry, an effort that would [benefit Murray Energy](#) in particular while hiking electricity prices for potentially millions of people. A month before the meeting, one of Murray's

biggest customers, FirstEnergy Corp., had told investors it was seriously considering sending its merchant division, FirstEnergy Solutions, into bankruptcy, a move which would likely void its supply contracts with Murray's coal mines.

Three weeks after Murray's visit, Perry would order a grid study that later became part of the justification for a proposed rule to reward coal and nuclear power plants for providing "grid resiliency." FERC, which has jurisdiction over the proposal, must make a decision on it by Monday.

At the time of the meeting, Wheeler was already the leading candidate to become the deputy administrator for EPA. Wheeler, who represented Murray as a lobbyist for Faegre Baker Daniels, would not be officially nominated for months. Wheeler, who has acknowledged participating in meetings on Murray's coal plan at DOE and on Capitol Hill, cleared committee last week and is awaiting Senate confirmation.

Murray is an outspoken supporter of President Donald Trump and held a fundraiser for him during the 2016 campaign.

DOE did not dispute the validity of the photos.

"Industry stakeholders visit the Department of Energy on a daily basis," DOE spokeswoman Shaylyn Hynes said, when asked about the meeting. "The DOE proposal to FERC was about the future and resiliency of the nation's power supply, an issue much bigger than one industry or company."

The photographs show Perry sitting at the head of a table in the Department of Energy, with Bob Murray, CEO of Murray Energy, to his left, and Wheeler down the table from Murray.

"Enclosed is an Action Plan for achieving reliable and low cost electricity ... and to assist in the survival of our Country's coal industry, which ... power grid reliability and low cost electricity," Murray writes in a cover letter to Perry, parts of which are visible in one photo from the meeting.

Though the document has never been publicly released, DOE critics say Murray's plan appears to have inspired DOE's grid study and the proposed rule Perry sent FERC in September. Copies are visible at the seats of most of the participants, including Perry and Murray. Wheeler, who told members of the Senate Environment Committee he had only seen the memo briefly, is not holding a copy in the photos obtained by In These Times. Murray told Greenwire in November he "didn't have any involvement" in writing the rule.

Murray has acknowledged sharing the plan with Trump.

"I gave Mr. Trump what I called an action plan very early," Murray said in a recent [PBS Frontline](#) documentary on EPA. "It's about three-and-a-half pages and — of what he needed to do in his administration. He's wiped out page one."

The meeting appears to have been successful for all. [One of the photos](#) shows Perry and Murray in a big bear hug.

To view online [click here](#).

[Back](#)

Murray delivered executive orders on coal rules to Trump administration [Back](#)

By Darius Dixon | 06/06/2018 07:05 PM EDT

Coal magnate Bob Murray delivered six draft executive orders ready for President Donald Trump to sign to roll back Obama-era environmental regulations in the early weeks of the administration, according to newly released Energy Department documents.

The [documents](#) released Wednesday after a Freedom of Information Act request include a letter to Energy Secretary Rick Perry from Murray praising Trump's March 2017 energy independence executive order, which largely aimed to help the coal industry. And to bolster that effort, Murray wrote, "we have developed the enclosed materials for your review and consideration, consisting of: six (6) Executive Orders further rescinding anti-coal regulations of the Obama administration; and one (1) memorandum outlining the legal rationale for each of these action, and others."

Those executive orders were also sent to EPA Administrator Scott Pruitt, whose agency had jurisdiction over most of the issues they involved, such as ozone rules and regulations on coal ash.

Trump has not signed executive orders resembling Murray's, but the administration has moved to enact the policies, such as pulling U.S. out of the Paris climate agreement. The documents, which were sent to DOE the day Trump signed his energy independence order and one day before Murray [met](#) with Perry and DOE chief of staff Brian McCormack, also included concepts about grid security and "resiliency" that Perry later touted as part of his push to stop coal power plants from closing.

"The Department of Energy ("DOE") must issue an emergency directive to have an immediate study done of the security and resiliency of our electric power grids," the document states. "DOE will direct that no power plants having an available fuel supply of

at least forty-five (45) days be closed during the study period, or a minimum of two (2) years."

Perry later ordered his staff to write a study about the electric grid that was eventually tied to a regulatory proposal that FERC create financial rewards for power plants with a 90-day supply of fuel on-site. That condition would have overwhelmingly benefited coal and nuclear generators, but it was shot down by FERC in January.

Critics have said Murray would be the biggest beneficiary of Trump's efforts, since his company supplies coal to many of the power plants at risk of closing because of stiff competition from cheap natural gas and renewable power as well as lagging electricity demand from consumers.

Murray spokesman Gary Broadbent confirmed the company had submitted the documents to Perry "to assist in the reversal of the illegal, job-killing, anti-coal regulations of the Obama Administration."

"Mr. Murray has always sought to secure reliable, low-cost electricity for all Americans, as well as to preserve and protect the jobs and family livelihoods of thousands of coal mining families," he said in a statement. "We applaud the actions taken by President Trump's Administration, to date, to protect these jobs and to advance the energy security of the United States."

Murray has repeatedly called on DOE to issue must-run orders for FirstEnergy power plants that consume his coal, and he blasted the FERC commissioners who opposed the on-site fuel proposal.

On Tuesday, a top DOE official said the agency is still formulating a plan to keep struggling coal and nuclear power plants from closing, and it had no deadline to meet Trump's demand to rescue them.

"We are evaluating options," Energy Undersecretary Mark Menezes told reporters. Last week, Trump called on DOE to take "immediate steps" to stop a wave of coal and nuclear power plant retirements, and like Perry, he cast the shutdowns as a threat to national security.

To view online [click here](#).

[Back](#)

House passes WRDA bill [Back](#)

By Annie Snider | 06/06/2018 09:42 PM EDT

The House has overwhelmingly approved the Water Resources Development Act of 2018, H.R. 8 (115), the first major infrastructure legislation to move under the Trump administration.

Lawmakers signed off on the measure on a broadly bipartisan vote of 408-2. The bill would authorize six new Army Corps of Engineers projects and enact a suite of policy reforms at the red tape-laden agency. It is significantly narrower than the Senate's measure, which would also make changes to EPA drinking water and wastewater programs.

And it includes a provision that could stir some controversy with the Senate, ordering a study of whether the Army Corps' civilian work should remain within the Department of Defense.

But House leaders dodged provisions that could have derailed the bill by blocking controversial amendments from floor consideration. Those included efforts to repeal the Obama administration's Waters of the U.S. rule, allow firearms at Army Corps recreational sites and exempt pesticide spraying from Clean Water Act permitting requirements.

WHAT'S NEXT: The Senate is expected to consider its version of the WRDA bill, America's Water Infrastructure Act of 2018, S. 2800 (115), this summer.

To view online [click here](#).

[Back](#)

Trump calls for coal, nuclear power plant bailout [Back](#)

By Eric Wolff | 06/01/2018 02:29 PM EDT

President Donald Trump pressed for a quick regulatory bailout for struggling coal power plants on Friday — a move that would buoy a mining industry that offered him crucial support in 2016, but is riling other energy companies and even some free-market conservatives.

The White House called on Energy Secretary Rick Perry to take immediate steps to keep both coal and nuclear power plants running, backing Perry's claim that plant closures threaten national security. An administration strategy to do that laid out in a memo to the National Security Council circulated widely among industry groups on Friday, but it was not clear that intervention could survive the inevitable political and legal challenges.

It was the latest step in more than a year of efforts by the administration to compel power companies to keep operating the

money-losing plants that are suffering from the rise of competing energy sources like natural gas. Those proposals have drawn opposition from most utilities, along with environmentalists, gas producers, power grid operators and conservatives who say it would be an unwarranted intrusion to the energy markets.

The White House statement calling for action came after days of Trump making similarly aggressive moves on international trade, slapping tariffs on the European Union, Canada and Mexico to protect U.S. industries like aluminum and steel. In this case, the president is acting on behalf of what he likes to call "beautiful, clean coal," a once-dominant fuel that still plays a major role in his stump speeches.

Trump "has directed Secretary of Energy Rick Perry to prepare immediate steps to stop the loss of these resources," White House press secretary Sarah Huckabee Sanders said in a statement Friday, referring to coal and nuclear plants.

She added that Trump believes "keeping America's energy grid and infrastructure strong and secure protects our national security... Unfortunately, impending retirements of fuel-secure power facilities are leading to a rapid depletion of a critical part of our nation's energy mix, and impacting the resilience of our power grid."

The statement came five months after federal energy regulators rejected Perry's call that they adopt his proposal to keep the struggling coal and nuclear power plants operating. That proposal would have overwhelmingly benefited mining magnate Bob Murray, an outspoken Trump supporter whose operations supply coal to several endangered plants in the Midwest and Northeast, according to a POLITICO analysis.

Trump's National Security Council gathered Friday to discuss the draft memo that lays out arguments why the administration should use federal authority to keep the money-losing power plants open — despite the assurances from some of the nation's grid operators that no such emergency exists.

"Any federal intervention in the market to order customers to buy electricity from specific power plants would be damaging to the markets and therefore costly to consumers," said the PJM Interconnection, which operates the nation's largest power grid and stretches from the Midwest the Atlantic Coast, in a statement. "There is no need for any such drastic action."

A broad swath of trade associations representing oil and gas, wind and solar power, consumer groups and advanced energy technologies slammed the plan, and they were joined by some congressional Democrats.

"This would be an egregious abuse of power," Sen. Ron Wyden (D-Ore.) said in a statement. "I fought this proposal before, and I will continue to fight this corrupt scheme to prop up the coal industry at the expense of American consumers."

That new 41-page memo, first revealed by Bloomberg News on Thursday evening, says that under the 2015 highway and transit bill known as the FAST Act, DOE must identify critical energy infrastructure, a process the agency is undertaking now with the help of its national labs. But because that is likely to take two years, DOE in the meantime should use the 1950 Defense Production Act and the Federal Power Act to require the plants to keep operating, the memo says.

Power sector experts have said using the two laws to keep specific plants operating would stretch both those measures, and would certainly trigger a major legal fight. Critics of the administration's strategy said the memo appears to signal that the White House is preparing for a fight.

"One way to view the release of this draft is that it is a trial balloon to see how fierce and fast the opposition will be," said Dena Wiggins, CEO of the industry lobby group Natural Gas Supply Association, which opposes the DOE plan. "We've known for some time that all of these federal authorities ... were in play, so the fact that we've now seen it in writing doesn't really change anything. It does, however, underscore how hard it is to cobble together a sound legal rationale to bail out otherwise uneconomic coal and nuclear plants."

And critics say the push to bail out the plants is simply Trump's effort to reward backers like Murray, the coal baron, and live up to his campaign promise to revive coal country. Perry first began work on the power plant issue in March 2017, when he met with Murray at DOE, and Trump himself personally directed Perry to take action on the issue since last summer.

Murray's coal mines have been a major supplier for power plants owned by FirstEnergy Solutions, a unit of Ohio-based utility giant FirstEnergy that sank into bankruptcy this spring. FirstEnergy Solutions has said it plans to close or sell five of its money-losing coal and nuclear power plants.

But the Federal Energy Regulatory Commission and the grid operator have said that even with the planned closures, the region has ample power to supply the market's needs. Stagnant power consumption growth, coupled with the rise of natural gas and renewable power sources like wind, has displaced many of the older coal and nuclear facilities in the markets.

The memo also calls for establishing a new requirement for the electric grid based on "resilience," a term Perry injected into the

regulatory conversation last fall with a proposed rule that would have rewarded plants that could keep 90 days of fuel on site. FERC rejected that rule, but it also created a new proceeding to try to define "resilience," which some in the industry say pertains to the grid's ability to withstand and recover from a physical or cyberattack.

The memo largely focuses on the issue of resilience, which it says would suffer if coal and nuclear power plants retire. It specifically targets natural gas as a weakness, because the plants that burn the fuel rely on pipelines that could be disrupted, while coal and nuclear power plants can keep months' worth of fuel on site.

"Natural gas pipelines are increasingly vulnerable to cyber and physical attacks," the memo says. "The incapacitation of certain pipelines through the United States would have severe effects on electric generation necessary to supply critical infrastructure facilities."

To view online [click here](#).

[Back](#)

House to vote Thursday on Trump's spending cuts plan [Back](#)

By Sarah Ferris | 06/06/2018 05:32 PM EDT

President Donald Trump's prized deficit-reduction package is rolling toward the House floor this week, though its prospects in the Senate remain in doubt — with little time to spare.

House leaders have set a vote Thursday on the Trump administration's roughly \$15 billion rescissions bill, according to a GOP aide, nearly a full month after the proposal was first delivered to Capitol Hill.

The House Rules Committee will tee up the bill, [H.R. 3 \(115\)](#), on Wednesday evening, a lightning turnaround that surprised even some GOP lawmakers.

The last-minute scheduling change comes after the White House [agreed this week](#) not to slash hundreds of millions of dollars from politically sensitive programs, like Hurricane Sandy aid, which helped [secure votes](#) from numerous GOP holdouts.

Even with some of those unpopular cuts reversed, several House Republicans remain anxious about the plan's optics — specifically, cuts to the ultra-popular Children's Health Insurance Program.

At a closed-door meeting of House Republicans Wednesday, several GOP lawmakers stood up to complain that the kids' health cuts could hit hard on the campaign trail, despite assurance from neutral budget experts that the cuts wouldn't harm the program.

In fact, the vast majority of the White House's proposed spending cuts would exist only on paper. The bill would save only \$1 billion over a decade, according to the CBO, which is far less than 1 percent of the size of Congress' last spending bill, H.R. 1625 (115).

Next, the White House will have to sell the bill to the Senate, where a single Republican "no" vote could sink the package.

Budget chief Mick Mulvaney has already met with Sen. Lisa Murkowski, an Alaska Republican who has raised issues with the cuts to CHIP. Sen. Susan Collins of Maine, another GOP moderate, has not yet said whether she supports the bill.

If the House clears the bill Thursday, the Senate will have roughly two weeks to send the measure to Trump's desk before its filibuster-proof powers expire June 22.

To view online [click here](#).

[Back](#)

Minibus spending package ready for House floor action [Back](#)

By Kaitlyn Burton | 06/06/2018 07:46 PM EDT

The House Rules Committee today teed up a three-bill spending bundle for floor consideration as soon as Thursday.

All in all, the panel approved 50 Energy-Water amendments, 22 Military Construction-VA amendments and seven Legislative Branch amendments, setting them up for floor votes.

While the minibus, H.R. 5895 (115), will likely pass, House Democratic leaders threw a wrench in things when they urged lawmakers to oppose the bill, POLITICO reported Tuesday evening.

Votes on the package are expected to come after a separate Thursday vote on the White House's rescissions measure, H.R. 3 (115). Conservatives, including the Republican Study Committee, asked for the spending cuts to be taken up first, according to a House GOP aide. The Rules Committee teed up the rescissions proposal in a 9-3 vote tonight, allowing no amendment votes.

The minibus would be the first House-passed fiscal 2019 funding measure.

Sarah Ferris contributed to this alert.

To view online [click here](#).

[Back](#)

House appropriators advance \$35B Interior-EPA spending package [Back](#)

By Alex Guillén | 06/06/2018 05:04 PM EDT

The House Appropriations Committee today approved its \$35 billion Interior-EPA spending bill by a party-line vote of 25-20.

Committee Republicans [blocked](#) an effort from Democrats to boost EPA's Office of Inspector General by \$12 million, saying the watchdog already has "robust" appropriations. The bill funds the OIG at \$12 million less than his request, but higher than the amount requested by the White House.

The committee voted down an [amendment](#) that would have required EPA's administrator and deputy administrator to report public details of travel costs within 10 days of a trip, along with various amendments targeting a repeal of the Waters of the U.S. rule and other policy riders, along with EPA's proposed science transparency policy, offshore drilling and other standard policy disputes.

Lawmakers approved an [amendment](#) that would change revenue sharing for drilling in the Arctic National Wildlife Refuge. The approved amendment would send 50 percent of revenue to the federal government, 47 percent to the state and 3 percent to the Alaskan Native claims settlement fund.

They also backed a tongue-in-cheek [amendment](#) from Rep. [Marcy Kaptur](#) (D-Mich.) that would limit EPA from spending more than \$50 on any one fountain pen, a response to a recent Washington Post [report](#) that Pruitt spent \$1,560 for a dozen personalized fountain pens. The amendment passed with no "nay" votes.

WHAT'S NEXT: Lawmakers hope to have the bill before the full House sometime this summer, but it is unclear whether the Senate will act on a similar timeframe. Like most other appropriations bills in recent years, Congress has passed an omnibus rather than conferencing directly.

To view online [click here](#).

[Back](#)

GOP blocks funding increase for EPA watchdog probing Pruitt activities [Back](#)

By Alex Guillén | 06/06/2018 03:06 PM EDT

House Republicans today blocked a Democratic effort to increase funding for EPA's Office of Inspector General to help the watchdog deal with the increased workload stemming from Administrator Scott Pruitt's spending and ethics scandals.

Rep. [Mark Pocan](#) (D-Wis.) and a bloc of Democrats on the House Appropriations Committee pushed an [amendment](#) that would have boosted OIG funding for fiscal 2019. It ultimately was voted down on a party-line vote of 21-26.

"It's hard to imagine that there is a more overworked inspector general than at the EPA these days," Pocan said. "This is not a Democrat/Republican thing, this should be a good government thing."

Interior-EPA Appropriations Chairman [Ken Calvert](#) (R-Calif.) said the bill "already includes robust support for EPA's inspector general."

The House Interior-EPA spending package would provide the OIG funding of just over \$50 million, about flat with 2018's level. Most of that is appropriated directly, though some of it is pulled from the Superfund program for OIG's work on Superfund-specific issues. Pocan's amendment would have drawn the extra \$12 million from EPA's "workforce reshaping" account inside the \$2.5 billion environmental programs.

In a February [letter](#), EPA Inspector General Arthur Elkins said the president's proposed OIG budget of \$46 million would "substantially inhibit the OIG from performing the duties of the office." He asked instead for a budget of \$62 million. That request came before an avalanche of congressional requests to review various Pruitt-related issues on spending and ethics.

WHAT'S NEXT: The committee will vote later today on the full spending bill.

To view online [click here](#).

[Back](#)

Interior advisory committee recommends streamlining environmental reviews for drilling [Back](#)

By Ben Lefebvre | 06/06/2018 06:31 PM EDT

An Interior Department advisory board on Wednesday approved a slew of recommendations aimed at expanding energy lease sales and lowering royalty rates, even as some members questioned whether it had the power to suggest changes to federal environmental reviews.

The Royalty Policy Committee wrapped up its latest meeting in New Mexico after approving nine [recommendations](#) for Secretary Ryan Zinke to change how the department collects payments from energy production on federal land. Most of the suggestions would benefit oil and gas companies operating on federal acres, while two recommendations were aimed at boosting renewable energy production.

Two committee members disagreed with a recommendation for the Bureau of Land Management to issue "categorical exclusions" for certain oil and gas projects, allowing those projects to forgo full environmental reviews under the National Environmental Protection Act.

"NEPA is not referred to in the [committee] charter," Rod Eggert, a professor at the Colorado School of Mines, said during the meeting. "The text in the charter refers to royalties and collections of royalties."

Committee member Monte Mills of the University of Montana agreed that recommending categorical exclusions fell outside of the committee's scope.

Western Energy Alliance President Kathleen Sgamma, another member of the committee, defended the recommendation, saying it would increase royalty payments to Interior by making it easier for companies to drill on public land.

"We're trying to increase competitiveness of federal lands," Sgamma said during the meeting. "NEPA is often the aspect of the federal process that takes the longest and decreases the competitiveness of public lands the most."

Ultimately, the committee approved the recommendation and deferred further discussion about the scope of its charter until its next meeting, yet to be scheduled.

The committee also suggested Interior make it easier for companies to pay lower royalty rates for mature oil and gas wells and those "difficult" to operate. And it recommended Zinke ask Congress to amend the Outer Continental Shelf Lands Act with

language allowing Interior to hold offshore energy project lease sales in Guam and other U.S. territories.

The committee's two renewable power suggestions were that Interior offer annual lease sales for 2 gigawatts of offshore wind power every year for a decade starting in 2024; and to instruct BLM to reduce fees and streamline permit requirements for solar projects.

To view online [click here.](#)

[Back](#)

BLM tells field office to expedite drilling permit reviews [Back](#)

By Ben Lefebvre | 06/06/2018 08:20 PM EDT

The Bureau of Land Management instructed field offices to prioritize the use of old environmental reviews or categorical exclusions to expedite drilling permit applications for sites where work is already underway, according to a memo released today.

The bulletin posted on the BLM website said those methods will allow officials to process the applications "in the most expeditious and appropriate manner" under the National Environmental Policy Act.

The BLM bulletin directed its field offices that existing environmental analysis for new projects proposed for old sites "should be used to the greatest extent possible" instead of starting a new environmental review process.

If the old analysis isn't sufficient, field offices should determine whether the application falls under an existing categorical exclusion, meaning a new NEPA review would not be required. Criteria to determine whether an exclusion would be available include whether a similar project has already occurred on the same site within the previous five years.

BLM posted its memo soon after Interior's Royalty Policy Committee recommended earlier today that the agency increase its use of categorical exclusions.

WHAT'S NEXT: The environmental review priority list goes into effect immediately.

To view online [click here.](#)

[Back](#)

White House, EPA headed off chemical pollution study [Back](#)

By Annie Snider | 05/14/2018 12:43 PM EDT

Scott Pruitt's EPA and the White House sought to block publication of a federal health study on a nationwide water-contamination crisis, after one Trump administration aide warned it would cause a "public relations nightmare," newly disclosed emails reveal.

The intervention early this year — not previously disclosed — came as HHS' Agency for Toxic Substances and Disease Registry was preparing to publish its assessment of a class of toxic chemicals that has contaminated water supplies near military bases, chemical plants and other sites from New York to Michigan to West Virginia.

The study would show that the chemicals endanger human health at a far lower level than EPA has previously called safe, according to the emails.

"The public, media, and Congressional reaction to these numbers is going to be huge," one unidentified White House aide said in an email forwarded on Jan. 30 by James Herz, a political appointee who oversees environmental issues at the OMB. The email added: "The impact to EPA and [the Defense Department] is going to be extremely painful. We (DoD and EPA) cannot seem to get ATSDR to realize the potential public relations nightmare this is going to be."

More than three months later, the draft study remains unpublished, and the HHS unit says it has no scheduled date to release it for public comment. Critics say the delay shows the Trump administration is placing politics ahead of an urgent public health concern — something they had feared would happen after agency leaders like Pruitt started placing industry advocates in charge of issues like chemical safety.

Sen. Maggie Hassan (D-N.H.) called the delay "deeply troubling" on Monday, urging Pruitt and President Donald Trump "to immediately release this important study."

"Families who have been exposed to emerging contaminants in their drinking water have a right to know about any health impacts, and keeping such information from the public threatens the safety, health, and vitality of communities across our country," Hassan said, citing POLITICO's reporting of the issue. Details of the internal discussions emerged from EPA emails released to the Union of Concerned Scientists under the Freedom of Information Act.

Sen. Jeanne Shaheen, a fellow New Hampshire Democrat, called the delay "an egregious example of politics interfering with the public's right to know. ... [I]t's unconscionable that even the existence of this study has been withheld until now."

The emails portray a "brazenly political" response to the contamination crisis, said Judith Enck, a former EPA official who dealt with the same pollutants during the Obama administration — saying it goes far beyond a normal debate among scientists.

"Scientists always debate each other, but under the law, ATSDR is the agency that's supposed to make health recommendations," she said.

The White House referred questions about the issue to HHS, which confirmed that the study has no scheduled release date.

Pruitt's chief of staff, Ryan Jackson, defended EPA's actions, telling POLITICO the agency was helping "ensure that the federal government is responding in a uniform way to our local, state, and Congressional constituents and partners."

Still, Pruitt has faced steady criticism for his handling of science at the agency, even before the recent spate of ethics investigations into his upscale travels and dealings with lobbyists. In his year leading EPA, he has overhauled several scientific advisory panels to include more industry representatives and recently ordered limits on the kinds of scientific studies the agency will consider on the health effects of pollution.

On the other hand, Pruitt has also called water pollution one of his signature priorities.

The chemicals at issue in the HHS study have long been used in products like Teflon and firefighting foam, and are contaminating water systems around the country. Known as PFOA and PFOS, they have been linked with thyroid defects, problems in pregnancy and certain cancers, even at low levels of exposure.

The problem has already proven to be enormously costly for chemicals manufacturers. The 3M Co., which used them to make Scotchguard, paid more than \$1.5 billion to settle lawsuits related to water contamination and personal injury claims.

But some of the biggest liabilities reside with the Defense Department, which used foam containing the chemicals in exercises at bases across the country. In a March report to Congress, the Defense Department listed 126 facilities where tests of nearby water supplies showed the substances exceeded the current safety guidelines.

A government study concluding that the chemicals are more dangerous than previously thought could dramatically increase the cost of cleanups at sites like military bases and chemical manufacturing plants, and force neighboring communities to pour money into treating their drinking water supplies.

The discussions about how to address the HHS study involved Pruitt's chief of staff and other top aides, including a chemical industry official who now oversees EPA's chemical safety office.

Herz, the OMB staffer, forwarded the email warning about the study's "extremely painful" consequences to EPA's top financial officer on Jan. 30. Later that day, Nancy Beck, deputy assistant administrator for EPA's Office of Chemical Safety and Pollution Prevention, suggested elevating the study to OMB's Office of Information and Regulatory Affairs to coordinate an interagency review. Beck, who worked as a toxicologist in that office for 10 years, suggested it would be a "good neutral arbiter" of the dispute.

"OMB/OIRA played this role quite a bit under the Bush Administration, but under Obama they just let each agency do their own thing..." Beck wrote in one email that was released to UCS.

Beck, who started at OMB in 2002, worked on a similar issue involving perchlorate, an ingredient in rocket fuel — linked with thyroid problems and other ailments — that has leached from defense facilities and manufacturing sites into the drinking water of at least 20 million Americans. Beck stayed on at OMB into the Obama administration, leaving the office in January 2012 and going to work for the American Chemistry Council, where she was senior director for regulatory science policy until joining EPA last year.

Yogin Kothari, a lobbyist with the Union of Concerned Scientists, called Beck's January email "extremely troubling because it appears as though the White House is trying to interfere in a science-based risk assessment."

Environmentalists say such interference was routine during the Bush administration.

"It's why the Obama administration issued a call for scientific integrity policies across the federal government," Kothari said in an email to POLITICO. "Dr. Beck should know firsthand that the Bush administration sidelined science at every turn, given that she spent time at OMB during that time."

Soon after the Trump White House raised concerns about the impending study, EPA chief of staff Ryan Jackson reached out to his HHS counterpart, as well as senior officials in charge of the agency overseeing the assessment to discuss coordinating work among HHS, EPA and the Pentagon. Jackson confirmed the

outreach last week, saying it is important for the government to speak with a single voice on such a serious issue.

"EPA is eager to participate in and, contribute to a coordinated approach so each federal stakeholder is fully informed on what the other stakeholders' concerns, roles, and expertise can contribute and to ensure that the federal government is responding in a uniform way to our local, state, and Congressional constituents and partners," Jackson told POLITICO via email.

Pruitt has made addressing per- and polyfluoroalkyl substances, or PFAS, a priority for EPA. The unpublished HHS study focused on two specific chemicals from this class, PFOA and PFOS.

States have been pleading with EPA for help, and experts say that contamination is so widespread, the chemicals are found in nearly every water supply that gets tested.

In December, the Trump administration's nominee to head the agency's chemical safety office, industry consultant Michael Dourson, withdrew his nomination after North Carolina's Republican senators said they would not support him, in large part because of their state's struggles with PFAS contamination. Dourson's previous research on the subject has been criticized as too favorable to the chemical industry.

Shortly after Dourson's nomination was dropped, Pruitt announced a "leadership summit" with states to discuss the issue scheduled for next week.

In 2016, the agency published a voluntary health advisory for PFOA and PFOS, warning that exposure to the chemicals at levels above 70 parts per trillion, total, could be dangerous. One part per trillion is roughly the equivalent of a single grain of sand in an Olympic-sized swimming pool.

The updated HHS assessment was poised to find that exposure to the chemicals at less than one-sixth of that level could be dangerous for sensitive populations like infants and breastfeeding mothers, according to the emails.

Dave Andrews, a senior scientist with the Environmental Working Group, said those conclusions line up with recent studies on the health effects of PFAS.

"They are looking at very subtle effects like increased risk of obesity for children exposed in womb, lowered immune response, and childhood vaccines becoming not as effective," Andrews said.

The HHS document at issue is called a toxicological profile, which describes the dangers of a chemical based on a review of previous

scientific studies. It would carry no regulatory weight itself, but could factor into cleanup requirements at Superfund sites.

EPA scientists, including career staffers, were already talking with the HHS researchers about the differences in their two approaches to evaluating the chemicals when officials at the White House raised alarm in late January, the emails show. Those differences, according to the correspondence, stemmed from the agencies' use of different scientific studies as a basis, and from taking different approaches to accounting for the harm that the chemicals can do to the immune system — an area of research that has burgeoned in the two years since EPA issued its health advisory.

Enck, the former EPA official, said she sees one troubling gap in the emails: They make "no mention of the people who are exposed to PFOA or PFOS, there's no health concern expressed here."

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[Back](#)

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Yes, very



Somewhat



Neutral



Not really



Not at all

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POLITICOPRO

This email was sent to jackson.ryan@epa.gov by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 6/19/2018 11:57:10 PM
To: Memmott, Justin (EPW) [Justin_Memmott@epw.senate.gov]; Palich, Christian [palich.christian@epa.gov]; Russell, Richard (EPW) [Richard_Russell@epw.senate.gov]; Leggett, Matt (EPW) [Matt_Leggett@epw.senate.gov]; Horner, Elizabeth (EPW) [Elizabeth_Horner@epw.senate.gov]
CC: Lyons, Troy [lyons.troy@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: RE: Peter Wright

No objection.

We'll do an "official" one when he arrives at EPA as an actual federal employee, but this is how our ethics attorneys wanted to draft it when I told them I believe this will help with eliminating some recusal questions at the hearing and we can simply focus on other things.

From: Memmott, Justin (EPW) [mailto:Justin_Memmott@epw.senate.gov]
Sent: Tuesday, June 19, 2018 2:30 PM
To: Palich, Christian <palich.christian@epa.gov>; Russell, Richard (EPW) <Richard_Russell@epw.senate.gov>; Leggett, Matt (EPW) <Matt_Leggett@epw.senate.gov>; Horner, Elizabeth (EPW) <Elizabeth_Horner@epw.senate.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: RE: Peter Wright

Any objections to entering his recusal letter into the record of the hearing?

From: Palich, Christian <palich.christian@epa.gov>
Sent: Tuesday, June 19, 2018 12:39 PM
To: Russell, Richard (EPW) <Richard_Russell@epw.senate.gov>; Memmott, Justin (EPW) <Justin_Memmott@epw.senate.gov>; Leggett, Matt (EPW) <Matt_Leggett@epw.senate.gov>; Horner, Elizabeth (EPW) <Elizabeth_Horner@epw.senate.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: Peter Wright

Hi Team EPW,

Attached is an early recusal letter from Peter Wright, the President's nominee for EPA Assistant Administrator for the Office of Land and Emergency Management. Because Peter is not yet a federal employee, the ethics attorneys requested that we provide the recusal in this format. If you have any questions, please contact us. Ethics attorneys at EPA also expect to be available this afternoon for any questions you may have.

Have a great day,

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency

O: 202.564.4944

Ex. 6

E: Palich.Christian@epa.gov

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 6/16/2018 5:58:53 PM
To: Brian Phillips [Ex. 6 - Personal Email]
Subject: Re:

Absolutely.

Ryan Jackson
Chief of Staff
U.S. EPA

[Ex. 6]

On Jun 16, 2018, at 11:26 AM, Brian Phillips [Ex. 6 - Personal Email] wrote:

You bet. Wanted to reach out but wasn't sure when would be a good time. I think I missed a call from you yesterday, but we are wrapping up our Texas GOP convention. Does Monday afternoon work for you?

On Fri, Jun 15, 2018 at 3:04 PM Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Brian, when you get a moment, I wanted to get back with you. I'm at [Ex. 6] Thanks.

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

[Ex. 6]

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 6/14/2018 5:21:35 PM
To: Holland, Luke (Inhofe) [Luke_Holland@inhofe.senate.gov]
CC: Wheeler, Andrew [wheeler.andrew@epa.gov]; Brown, Byron [brown.byron@epa.gov]
Subject: CCR and another of JMI's work coming to fruition
Attachments: CCR-Legislative History-061418.docx

Use as much or any of it as you'd like.

This is pretty cool. Byron and I are proud.

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency

Ex. 6

ANNOUNCEMENT ON JUNE 18

Accomplishment

On June 18, 2018, EPA is scheduled to approve Oklahoma's first-in-the-nation application to operate a state permit program regulating the disposal of coal combustion residuals (CCR or coal ash) from electric utilities. This will mark the **first time** EPA has approved a state permit program for CCR using the new authority that Congress provided EPA in 2016. **First in the nation.**

CCR Background at EPA

In April 2015, EPA published a final rule under the Resource Conservation and Recovery Act (RCRA) that designated CCR as nonhazardous waste and established national requirements governing the disposal of CCR in landfills and surface impoundments. Unlike the Clean Air Act and the Clean Water Act, which are generally implemented by states through permit programs that are approved by EPA, RCRA originally did not authorize EPA to regulate CCR as nonhazardous waste through state permit programs. Instead, utilities were responsible for directly implementing the requirements of EPA's 2015 CCR rule, which were enforceable only through citizen suits.

JMI's Work in Congress

(Below is entire legislative history, dates, hearings, and votes)

As chairman of the Senate Environment and Public Works Committee, Senator Inhofe led **two hearings** examining the challenges of the 2015 CCR rule and the need for legislation to allow Oklahoma and other states to regulate CCR through EPA-approved state permit programs rather than through the self-implementing requirements of the CCR rule. Representatives of electric utilities and states testified in favor of amending RCRA to allow state permit programs because they would be able to tailor the requirements for disposing of CCR to address the specific risks and concerns posed by an individual utility, rather than through the one-size-fits-all national standards in the 2015 CCR rule.

Chairman Inhofe worked on a bipartisan basis with then-ranking member Barbara Boxer, other members of the Senate, and colleagues in the House of Representatives, along with states, the utility sector, and environmental groups, to craft compromise legislation giving states authority to regulate CCR through permit programs. This legislation was included as part of the Water Infrastructure Improvements for the Nation Act, which passed the Senate by a vote of 78 to 21 and was enacted into law in December 2016.

Under the WIIN Act authority, EPA is required to approve within 180 days of receipt a state's application to operate a permit program in lieu of the 2015 CCR rule if the Administrator determines the state's program will require electric utilities to comply with the requirements of the 2015 CCR rule or successor regulations. However, an approved state program may allow individual permits to include technical requirements that vary from the requirements of the 2015 CCR rule or successor regulations so long those site-specific requirements are at least as protective of the federal requirements.

EPA's Work Implementing the New Law

On April 28, 2017, EPA Administrator Scott Pruitt wrote to the nation's governors informing them about the WIIN Act and encouraging them to submit applications to operate state permit programs. EPA issued interim final guidance on August 10, 2017 to assist states in developing their program applications and providing a framework for how EPA would process the applications.

Oklahoma initially submitted its draft application on July 31, 2017. On December 21, 2017, EPA informed Oklahoma that its application was complete, triggering the 180-day review deadline. EPA hosted a public hearing in Oklahoma City on February 13, 2018, about Oklahoma's application. Separately, EPA is considering changes to the 2015 CCR rule to facilitate the transition to permit programs and to allow use of alternative-risk based standards. EPA published a proposed rule on March 15, 2018, containing more than a dozen potential changes. EPA plans to propose additional changes later this year.

Legislative History in 114th Congress

June 17, 2015 -- Chairman Inhofe led an oversight hearing of the Environment and Public Works Committee examining EPA's 2015 final rule to regulate the disposal of coal combustion residuals from electric utilities. Chairman Inhofe made the following statement at the hearing:

"This is an important issue that cuts across the Committee's areas of jurisdiction—from the regulation of waste, to the impact of EPA's other rules on electric utilities, and to the importance of coal ash to highways and infrastructure projects. EPA has extensively studied the safety of coal ash. For decades, coal ash has been regulated as nonhazardous waste by states. It is also worth noting that coal ash is an important ingredient in concrete and helps extend the lifespan of and control costs for the concrete used in roads and bridges. In fact, many State Departments of Transportation require the use of coal ash in their road projects."

March 2, 2016 -- Chairman Inhofe led a hearing of the Environment and Public Works Committee to consider the bipartisan Improving Coal Combustion Residuals Regulation Act (S. 2446), focusing on how to development state permit programs to regulate CCR. Chairman Inhofe made the following statement at the hearing:

"I agree with the EPA's decision that coal ash is a non-hazardous waste, and I can assure you, in case you are wondering, that there are not 60 votes in the United States Senate that would change that ruling, so Congress should amend RCRA to authorize the State permitting programs for coal ash. The President supports it.

"As Ranking Member Boxer noted at last year's hearing on EPA's coal ash regulation, authorizing State permitting programs 'is really not that different from so many other laws. If you want to talk about permitting, I would be happy to work with you to make that fix, if necessary.' Now, I agree. I see no reason why coal ash should not be regulated through the EPA's approved State permitting programs, just like air, water, and hazardous waste.

"I have served in different capacities ... I have served as mayor of a major city; I have served in the State legislature; I have served in Congress; and I have served in the Senate. It has been my experience

that the closer you get to the people, the more local, the more responsible the decisions are, because they can find you. You can hide up here; you can't hide when you're in a city council. So I reject the idea that you can't count on ... States to protect us. I don't agree with that at all."

After the legislative hearing, Chairman Inhofe pursued new compromise legislation, referred to as the Coal Combustion Residuals Regulatory Improvement Act, with ranking member Boxer and the original sponsors of S. 2446. This compromise legislation was included as part of S. 2848, the Water Resources Development Act of 2016, which was passed by a vote of 95 to 3 in the Senate on September 15, 2016. Chairman Inhofe applauded the inclusion of the bipartisan Coal Combustion Residuals Regulatory Improvement Act in WRDA 2016. Chairman Inhofe issued the following statement:

"This bipartisan legislation that is in WRDA 2016 gives states the needed flexibility and authority to regulate coal ash to best support their state economies while also protecting the health of families and communities," Inhofe said. "This provision provides utilities the regulatory certainty they have been seeking and corrects the implementation problems with EPA's recent coal ash rule. I thank Sens. Hoeven and Manchin for keeping this issue alive in recent years and Ranking Member Boxer, Sen. Capito and the other EPW Committee members for coming together to craft this compromise language. I look forward to working with my colleagues in the House of Representatives to getting this compromise coal ash legislation enacted into law."

The Environmental Council of the States issued a statement supporting the Senate's passage of the CCR legislation as part of the Water Resources Development Act:

"The Environmental Council of the States commends the Senate on its passage yesterday of the Coal Combustion Regulatory Improvement Act (Act), authorizing states to develop and carry out programs to control coal combustion residual (CCR) units. Included as Section 8001 in S. 2848 of the Water Resources Development Act (WRDA) 2016, the Act amends the Resource Recovery and Conservation Act to allow states to directly oversee and enforce CCR unit compliance, in a manner consistent with the U.S. Environmental Protection Agency's April 2015 final CCR rule (80 Fed. Reg. 21,302). ECOS long has supported states having such authority, and ECOS representatives have testified in both the Senate and House several times over the years on the importance of legislative action on the CCR issue. ECOS extends its deep appreciation to the Senators who led the effort to advance the Act. ECOS also thanks the state experts who offered their expertise and experience with CCR facilities to inform the process, and in particular our colleagues at the Association of State and Territorial Solid Waste Management Officials who were steadfastly dedicated to the issue."

December 5, 2017 – Senator Inhofe worked on a bipartisan basis with colleagues in the Senate and House to ensure the final deal on the Water Infrastructure Improvements for the Nation Act (WIIN Act) included compromise legislation negotiated by Senator Inhofe to authorize state permit programs for regulating coal combustion residuals from electric utilities. Senator Inhofe released the following statement:

"We're pleased that the final WIIN package builds off the Senate passed provision and provides the authority that states have been seeking to regulate coal ash through authorized state permit programs," the senators said. "This new permitting authority fixes the main problems with the recent coal ash regulation issued by the Environmental Protection Agency, by removing citizen suits as the sole means of enforcement and allowing states to tailor permit requirements on a case-by-case basis. We're happy

that we were able to work with our colleagues in the House and Senate on a bipartisan basis to get this important legislation across the finish line.”

December 9, 2016 – By a vote of 78 to 21, the Senate passed the Water Infrastructure Improvements for the Nation Act (WIIN Act), which included compromise legislation negotiated by Senator Inhofe to authorize state permit programs to regulate coal combustion residuals. Senator Inhofe released the following statement:

“I am pleased that the WIIN Act has crossed the finish line with strong, bipartisan support,” Inhofe said. “This bill – soon to be law – fulfills many important Oklahoma priorities. It helps Oklahoma rural electric cooperatives and the families they serve by returning the regulation of coal combustion residuals to states.”

The inclusion of the coal ash legislation in the WIIN Act garnered broad support from the utility sector:

“Public Service Company of Oklahoma and American Electric Power strongly support the water resources bill, and appreciate Senator Inhofe’s strong leadership in its passage. In particular, we applaud the Senator’s efforts on a provision in the WIIN bill that solves the major shortcomings of current federal regulation of coal combustion residuals (CCRs), by giving states the primary authority over CCRs through state permit programs,” said Stuart Solomon, president and COO of the Public Service Company of Oklahoma.

“EEI thanks Senator Inhofe for his leadership in completing the water resources bill, which contains critically important provisions for the safe management of coal ash. As the EPA’s coal ash regulation goes into effect and our industry begins to close coal ash basins, these legislative provisions will enable states to be more involved in the permitting process for the closure of basins. Permanently closing basins in a manner that puts safety first, protects the environment, and minimizes impacts to communities and customers is vitally important to our industry,” said Tom Kuhn, president of the Edison Electric Institute.

“America’s electric co-ops are extremely grateful to Chairman Inhofe for championing the WIIN Act, which will bolster co-ops’ efforts to provide affordable and reliable electricity to rural America. Because of his hard work, this bill promotes critical infrastructure projects pertaining to hydropower, flood control, water supply and emergency management. This bill is a win for America’s rural electric consumers, and we appreciate the chairman’s unwavering support for provisions that inject greatly needed certainty into the regulation of coal ash by giving states clear permitting authority and reducing litigation,” said Jim Matheson, CEO of NRECA.

“OG&E greatly appreciates Senator Inhofe’s leadership in including his coal ash provision in the ‘Water Infrastructure Improvements for the Nation Act’ conference report. His provision resolves a legislative stalemate to the satisfaction of both the electric industry and environmentalist community. The Inhofe provision brings legal certainty and predictability to the generation of electricity that will benefit Oklahoma electric customers, beneficial users of coal ash and the environment,” said Paul Renfrow, vice president of public affairs for OG&E Energy Corp.

December 16, 2016 -- The WIIN Act was signed into law (PL-114-322). Senator Inhofe’s Coal Ash provision is Section 2301.

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 6/26/2018 12:05:07 AM
To: Scott Waldman [swaldman@eenews.net]
Subject: RE: reporter question

Not so much. People inquire to EPA and DOT about importing foreign cars. We have a joint obligation to ensure they are compliant with US laws. Sometimes they want to simply import one car. Sometimes they want to see about importing for commercial purposes. We are always happy to help answer questions and get to yes if we can or help advise how we can get to yes.

From: Scott Waldman [mailto:swaldman@eenews.net]
Sent: Monday, June 25, 2018 5:29 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: reporter question

Thanks. That's bizarre. I remember when 'people movers' used to be called buses. Or vans.

Scott Waldman
Reporter
E&E News/Climatewire

Ex. 6

@scottwaldman

From: Jackson, Ryan [mailto:jackson.ryan@epa.gov]
Sent: Monday, June 25, 2018 5:23 PM
To: Scott Waldman <swaldman@eenews.net>
Subject: Re: reporter question

Yes, he inquired about ensuring a vehicle was compliant with emission standards. We were happy to talk with him about the process.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

On Jun 25, 2018, at 5:00 PM, Scott Waldman <swaldman@eenews.net> wrote:

Hi Ryan. This is a strange question, but I just got off the phone with someone from Ari Emmanuel's office. He explained that the reason Ari reached out to you (as shown in this latest Sierra Club email dump) is because Ari wanted to import some sort of people-mover van that wasn't compliant with pollution regulations. Is there anything more you can tell me about this request or what you told him?

Thanks,

Scott Waldman
Reporter
E&E News/Climatewire

Ex. 6

@scottpwaldman

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 6/19/2018 4:31:49 PM
To: Freedhoff, Michal (EPW) [Michal_Freedhoff@epw.senate.gov]; Lyons, Troy [lyons.troy@epa.gov]; Palich, Christian [palich.christian@epa.gov]
Subject: Peter Wright
Attachments: Dow Dupont non NPL or deleted sites - as of 2_20_2018.xlsx; Dow Dupont NPL sites with Listing Date - as of 2_20_2018.xlsx; Peter Wright.pdf; Letter of Endorsement for Peter C. Wright.pdf; Peter_Wright.pdf

Michal, attached is an early recusal letter from Peter Wright, the President's nominee for EPA Assistant Administrator for the Office of Land and Emergency Management. Because Peter is not yet a federal employee, the ethics attorneys requested that we provide the recusal in this format. If you have any questions, please contact me. Ethics attorneys at EPA also expect to be available this afternoon for any questions you may have. I understand that Peter is meeting with Senator Carper in about 3 hours so I'm glad this is not only timely for the hearing but for the meeting.

Thanks,

Ryan

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency

Ex. 6

2/20/2018

Total Proposed & Final NPL Sites (Non Fed Facility)	1238	
Proposed	52	
Final	1186	
		% of Total Proposed, Final NPL Sites (1238)
Dow and Dupont Proposed & Final NPL Sites	170	14%
Non-NPL, Deleted *	128	

* 43 sites Deleted from the NPL.

Region	Site Name	EPA ID	NPL	Listing Year	Party Name/Affiliate
01	BEACON HEIGHTS LANDFILL	CTD072122062	F	1983	Dow/DuPont
01	BURGESS BROTHERS LANDFILL	CTD093065415	F	1989	DOW
01	DAVIS LIQUID WASTE	ND980523070	F	1983	DOW
01	GALLUP'S QUARRY	CTD108660972	F	1989	DOW
01	KEEFE ENVIRONMENTAL SERVICES (KES)	NHD092059112	F	1983	DuPont
01	OLD-SOUTHINGTON LANDFILL	CTD980670806	F	1984	DuPont
01	OTTATI & GOSW/KNIGHTON STEEL DRUM	NHD990717647	F	1983	Dow/DuPont
01	PETERSON/PURITAN, INC.	ND055176283	F	1983	DOW
01	PICILLO FARM	RI0880579056	F	1983	Dow/DuPont
01	RE-SOLVE, INC.	MAD980520621	F	1983	Dow/DuPont
01	SURESIM CHEMICAL CORP.	MAD000192393	F	1983	Dow/DuPont
01	SOLVENTS RECOVERY SERVICE OF NEW ENGLAND	CTD09717604	F	1983	DuPont
01	SUTTON BROOK DISPOSAL AREA	MAD980520696	F	2001	DuPont
02	ATLANTIC RESOURCES	ND9811558430	F	2002	DOW
02	BRIDGEPORT RENTAL & OIL SERVICES	ND053292652	F	1983	Dow/DuPont
02	BYRON BARREL & DRUM	NY0980780670	F	1986	Dow/DuPont
02	CADWELL TRUCKING CO.	ND0449798953	F	1983	DuPont
02	CHEMICAL CONTROL	ND000607481	F	1983	Dow/DuPont
02	CHEMSOL, INC.	ND980528889	F	1983	Dow/DuPont
02	COMBE FILL SOUTH LANDFILL	ND094966611	F	1983	DOW
02	CORTESE LANDFILL	NY0980528475	F	1986	DuPont
02	D'AMENO PROPERTY	ND980528416	F	1983	DOW
02	DIAMOND ALKALI CO.	ND980528996	F	1984	DuPont
02	EWAN PROPERTY	ND980761365	F	1984	DOW
02	FULTON TERMINALS	NY0980193099	F	1983	DuPont
02	GEMS LANDFILL	ND980529192	F	1983	Dow/DuPont
02	HERCULES, INC. (GIBBSTOWN PLANT)	ND0032140503	F	1983	DuPont
02	HORSESHOE ROAD	ND980636378	F	1995	DOW
02	KIN BUC LANDFILL	ND0449860836	F	1983	Dow/DuPont
02	KING OF PRUSSIA	ND980505341	F	1983	DuPont
02	LANGS PROPERTY	ND980505382	F	1983	DuPont
02	LIP CHEMICALS INC	ND079303020	F	1998	DOW
02	LIGHTMAN DRUM COMPANY	ND014743678	F	1999	DOW
02	LIPARI LANDFILL	ND980505416	F	1983	Dow/DuPont
02	LONE PINE LANDFILL	ND980505424	F	1983	Dow/DuPont
02	MARTIN AARON, INC.	ND014623854	F	1999	Dow/DuPont
02	MERCURY REFINING, INC.	NY0980148175	F	1983	Dow/DuPont
02	NASCOTTE CORP.	ND002362705	F	1984	DuPont
02	PIP LANDFILL	ND980505648	F	1983	Dow/DuPont
02	POLLUTION ABATEMENT SERVICES	NY0000511659	F	1983	Dow/DuPont
02	PRICE LANDFILL	ND070281175	F	1983	Dow/DuPont
02	REICH FARMS	ND980529713	F	1983	DOW
02	SABNEY FARM	NY0980555165	F	1986	DOW
02	SCIENTIFIC CHEMICAL PROCESSING	ND070565403	F	1983	Dow/DuPont
02	SWOPE OIL & CHEMICAL CO.	ND041743220	F	1983	Dow/DuPont
02	TRI CITIES BARREL CO., INC.	NY0980509285	F	1989	DuPont
02	VENTRON NYVELS CO.	ND980529879	F	1984	Dow/DuPont
02	YOLNEY MUNICIPAL LANDFILL	NY0980509376	F	1986	DuPont
02	WOODLAND ROUTE 532 DUMP	ND980505987	F	1984	DOW
02	WOODLAND ROUTE 72 DUMP	ND980505879	F	1984	DOW
03	ARMY CREEK LANDFILL	DE0980404496	F	1983	DuPont
03	BELL LANDFILL	PA0980795107	F	1989	DuPont
03	BRESLINE PENN. INC.	PA098062695	F	1996	DuPont
03	CENTRAL CHEMICAL (HAGERSTOWN)	MD0003061447	F	1997	Dow/DuPont
03	CROYDON TCE	PA0981035009	F	1986	DOW
03	DELAWARE SAND & GRAVEL LANDFILL	DE0000605972	F	1983	DuPont
03	DONGLASSVILLE DISPOSAL	PA0402184865	F	1983	Dow/DuPont
03	E.I. DU PONT DE NEMOURS & CO., INC. (NEWPORT PIGMENT PLANT LANDFILL)	DE098055112	F	1990	DuPont
03	FIKE CHEMICAL, INC.	VVD047989207	F	1983	Dow/DuPont
03	GREENWOOD CHEMICAL CO.	VAD003125374	F	1987	DOW
03	HARVEY & KNOTT DRUM, INC.	DE0980713093	F	1983	DuPont
03	JACKS CREEK/SITTIN SMELTING & REFINING, INC.	PA0980829493	F	1989	Dow/DuPont
03	KOPPEL CO., INC. (NEWPORT PLANT)	DE098052244	F	1990	DuPont
03	LOWER DARBY CREEK AREA	PASFN0305521	F	2001	Dow/DuPont
03	METRO CONTAINER CORPORATION	PAD046454585	F	2012	Dow/DuPont
03	OLD WILMINGTON ROAD GW CONTAMINATION	PA0981938939	F	2000	DuPont
03	ORDNANCE WORKS DISPOSAL AREAS	VVD0008050494	F	1986	DuPont
03	SAND, GRAVEL AND STONE	MD0980705164	F	1983	Dow/DuPont
03	SPECTRON, INC.	MD0000218008	F	1994	Dow/DuPont
03	STRASBURG LANDFILL	PAD000441337	F	1989	DuPont
03	TONOLI CORP.	PAD073613663	F	1989	DuPont
03	TYBOUTS CORNER LANDFILL	DE0000606079	F	1983	DuPont
03	WHY TACHER LABORATORIES	PAD090905914	F	1986	DOW
03	WILLIAM DICK LAGOONS	PA0980537773	F	1987	DOW
04	ABERDEEN PESTICIDE DUMPS	NC0980843346	F	1989	Dow/DuPont
04	ALTERNATE ENERGY RESOURCES INC.	GAD033582461	F	2006	DuPont
04	AQUA TECH ENVIRONMENTAL INC. (GROCE LABS)	SC0058754789	F	1994	Dow/DuPont
04	BYTAYS 601 GROUND WATER CONTAMINATION	NC034440303	F	1986	DuPont
04	CAROLAWN, INC.	SC0980558316	F	1983	DOW
04	CHARLES MACON LAGOON AND DRUM STORAGE	NC0980840409	F	1987	DuPont
04	CITY INDUSTRIES, INC.	FLD055945653	F	1989	DOW
04	DISTLER BRICKYARD	NY0980662155	F	1983	Dow/DuPont
04	DISTLER FARM	NY098061975	F	1983	DOW
04	INTERSTATE LEAD CO. (ILCO)	ALD041906173	F	1986	DOW
04	JADCO-HUGHES FACILITY	NC0980729602	F	1986	Dow/DuPont
04	LEONARD CHEMICAL CO., INC.	SC0991279324	F	1984	DOW
04	MAXEY FLATS NUCLEAR DISPOSAL	NY0980739107	F	1986	Dow/DuPont
04	MEELEY FARM DRUM DUMP	SC0980558142	F	1989	DOW
04	PEAK OIL CO./BAY DRUM CO.	FLD094091807	F	1986	DOW
04	RED PANTHER CHEMICAL COMPANY	MS0000272385	F	2011	Dow/DuPont
04	SCROI BLUFF ROAD	SCD0006422787	F	1983	DOW
04	SMITH'S FARM	NYD097027413	F	1986	Dow/DuPont
04	STONEY MINE SLUDGE PONDS	FLD090468053	F	1989	DOW
04	T8-CITY DISPOSAL CO.	NY0981028350	F	1989	DOW
04	WARD TRANSFORMER	NC0003202603	F	2003	DOW
04	ZELLWOOD GROUND WATER CONTAMINATION	FLD049895302	F	1983	DuPont
05	ACME SOLVENT RECLAIMING, INC. (MORRISTOWN PLANT)	ILD053219259	F	1983	DuPont
05	AMERICAN CHEMICAL SERVICE, INC.	ND016396285	F	1984	Dow/DuPont
05	ARBONHEAD REFINERY CO.	ND9808923975	F	1984	DOW
05	AUTO ION CHEMICALS, INC.	MI0980794382	F	1983	DuPont
05	BOFORS NOBEL, INC.	MI0006030373	F	1989	Dow/DuPont
05	BYRON SALVAGE YARD	ILD010236230	F	1983	DuPont
05	CHEM DYNE	OH0074727793	F	1983	Dow/DuPont
05	CROSS BROTHERS PAUL RECYCLING (PEMBROKE)	ILD980792301	F	1983	DuPont
05	E.H. SCHILLING LANDFILL	OH0980509947	F	1983	DOW
05	ENVIROCHEM CORP.	IND084259951	F	1983	DOW
05	FIELDS BROOK	OH0980616572	F	1983	DOW
05	FONEST WASTE PRODUCTS	MI0980810740	F	1983	DOW
05	FULTZ LANDFILL	OH0980796410	F	1983	DOW
05	G&H LANDFILL	MI0980410823	F	1983	DOW
05	GARY DEVELOPMENT LANDFILL	IND077005916	F	2011	Dow/DuPont
05	H.O.D. LANDFILL	ILD980605836	F	1990	DOW
05	IONIA CITY LANDFILL	MI0980794416	F	1983	DOW
05	LANESVILLE K&H BEES	MI0000713950	F	1984	DuPont
05	LAKE CALUMET CLUSTER	ILD000716853	F	2010	Dow/DuPont
05	LAMMERS BARREL FACTORY	OH0981537582	F	2003	DuPont
05	LENZ OIL SERVICE, INC.	ILD005451711	F	1989	DuPont
05	LIQUID DISPOSAL, INC.	MI0967340711	F	1983	Dow/DuPont
05	LYNETAMORA LANDFILL	MI0980976562	F	1984	Dow/DuPont
05	NEW LYME LANDFILL	OH0980794614	F	1983	DOW
05	NINTH AVENUE DUMP	IND980794432	F	1983	Dow/DuPont
05	NORTHSIDE SANITARY LANDFILL, INC.	IND050530872	F	1984	DOW
05	ORGANIC CHEMICALS, INC.	MI0980858003	F	1983	Dow/DuPont
05	PETER CARTRIDGE FACTORY	OH0987935083	F	2012	DuPont
05	PRISTINE, INC.	OH0076773712	F	1983	DOW
05	SEYMOUR RECYCLING CORP.	IND040313017	F	1983	DOW
05	SKINNER LANDFILL	OH0963963714	F	1983	Dow/DuPont
05	SUMMIT NATIONAL	OH0980609994	F	1983	Dow/DuPont
05	TERMO CHEM. INC.	MI0944557162	F	1986	DuPont
05	U.S. SMELTER AND LEAD REFINERY, INC.	IND047030226	F	2009	DuPont
05	VERONA WELL FIELD	MI0980793806	F	1983	DuPont
05	SAUGET AREA 2	ILD000605790	P	2001	DOW
06	CEDAR CHEMICAL CORPORATION	AR0990660649	F	2012	DuPont
06	COMBUSTION, INC.	LAD072606627	F	1990	DOW
06	FRENCH LTD.	TX0980514814	F	1983	Dow/DuPont
06	GULFCO MARINE MAINTENANCE	TXD051445539	F	2003	DOW
06	HARDAGE/CRINER	OKD000400093	F	1983	Dow/DuPont
06	MALONE SERVICE CO - SWAN LAKE PLANT	TX0980864789	F	2001	Dow/DuPont
06	MANN DIVERSIFIED INTERESTS, INC.	TX0980813404	F	1999	DOW
06	MOTCO, INC.	TX0980629851	F	1983	Dow/DuPont
06	PATRICK BAYOU	TX0000605329	F	2002	DOW
06	PETRO-CHEMICAL SYSTEMS, INC. (TURTLE BAYOU)	TX0980873350	F	1986	DOW
06	PETRO-PROCESSORS OF LOUISIANA, INC.	LAD057482713	F	1984	Dow/DuPont
06	SHERIDAN DISPOSAL SERVICES	TXD062122147	F	1989	Dow/DuPont
06	SIXES DISPOSAL PITS	TX0980513856	F	1983	DOW
06	TEX-TIN CORP.	TXD062113329	F	1998	Dow/DuPont
06	US OIL RECOVERY	TXN000607093	F	2012	DOW
06	VERTAC, INC.	AR0000013440	F	1983	DOW
06	DEVIL'S SWAMP LAKE	LAD981153872	F	2014	DOW
07	CHEROKEE COUNTY	KSD980741862	F	1983	DuPont
07	LAWRENCE TODTZ FARM	JAD0000606038	F	1986	DuPont
07	MISSOURI ELECTRIC WORKS	MO0980965982	F	1990	Dow/DuPont
07	NEBRASKA ORDNANCE PLANT (FORMER)	NE6211890011	F	1990	DOW
07	ORONOGUS DREWES MINING BELT	MO0980886283	F	1990	DuPont
08	LOWMY LANDFILL	TXD980498248	F	1984	Dow/DuPont
08	MYSTERY BRIDGE RD/U.S. HIGHWAY 20	WYD981546005	F	1990	DOW
08	RICHARDSON FLAT TAILINGS	UTD980952840	P	1992	DuPont
09	CASMILLA RESOURCES	CAD020748125	F	2001	Dow/DuPont
09	DELANO	CAD029544731	F	2012	DOW
09	DEL MONTE CORP. (DAHL PLANTATION)	ND9806517631	F	1994	DOW
09	FAIRCHILD SEMICONDUCTOR CORP. (MOUNTAIN VIEW PLANT)	CAD095989778	F	1991	DOW
09	HASSAYAMPA LANDFILL	AZD980735666	F	1987	DOW
09	INDUSTRIAL WASTE PROCESSING	CAD980736284	F	1990	DOW
09	LONDETZ BARREL & DRUM CO.	CAD029295706	F	1989	Dow/DuPont
09	OMEGA CHEMICAL CORPORATION	CAD042245001	F	1999	Dow/DuPont
09	OPERATING INDUSTRIES, INC., LANDFILL	CAT080012024	F	1986	Dow/DuPont
09	PURITY OIL SALES, INC.	CAD980736151	F	1983	DOW
10	PORTLAND HARBOR	OR5FN002155	F	2000	DOW
10	WESTERN PROCESSING CO., INC.	WAD009487513	F	1983	DOW
10	BLACKBIRD MINE	ID0980725832	P	1993	DOW

Region	Site Name	EPA ID	NPL	Status
01	SEAWAY BOAT	MED982547960	N	DOW
02	BARCELONETA LANDFILL	PRD980509129	D	DOW/DuPont
02	BAYONNE DRUM & BARREL CO	NJD009871401	N	DuPont
02	CLOTHIER DISPOSAL	NYD000511576	D	DuPont
02	DUPONT /NECCO PARK	NYD980532162	N	DuPont
02	ENRX. INC.	NYD175762616	N	DOW/DuPont
02	ENVIROTEK	NYD021744537	N	DOW
02	HOPKINS FARM	NJD980532840	D	DOW
02	MORGAN ORDINANCE DEPOT(AKATA/GILLESPIE	NJD986652519	N	DuPont
02	NEWBURGH LANDFILL	NYD980534846	N	DuPont
02	NIAGARA COUNTY REFUSE	NYD000514257	D	DuPont
02	PFOHL BROTHERS LANDFILL	NYD980507495	D	DuPont
02	PIONEER SMELTING CO INC	NJD014786982	N	DuPont
02	PORT REFINERY	NYD986954048	N	DuPont
02	PULVERIZING SERVICES	NJD980582142	N	DOW/DuPont
02	RENORA, INC.	NJD070415005	D	DuPont
02	SAYREVILLE LANDFILL	NJD980505754	D	DOW
02	TABERNACLE DRUM DUMP	NJD980761357	D	DOW/DuPont
02	WARWICK LANDFILL	NYD980506679	D	DOW
02	WIDE BEACH DEVELOPMENT	NYD980652259	D	DOW/DuPont
03	AMCHEM PROD INC	PAD002348324	N	DOW
03	BAHN WAREHOUSE	PAD987277977	N	DuPont
03	DIXIE CAVERNS COUNTY LANDFILL	VAD980552095	D	DOW
03	DUPONT EXPLOSIVES	PAD981939325	N	DuPont
03	EAST COAST TRAILER SALES	PA0000634659	N	DuPont
03	KENT COUNTY LANDFILL (HOUSTON)	DED980705727	W	DuPont
03	METCOA	PAD080719446	N	DOW/DuPont
03	MOYERS LANDFILL	PAD980508766	D	DOW
03	NEW CASTLE ABANDONED CONTAINER SITE	DED981736440	N	DuPont
03	ROHM AND HAAS CO. LANDFILL	PAD091637975	R	DOW
03	SEAFORD-ARBUTUS WELL FIELD	DED984075523	N	DuPont
03	SPELTER ZINC PLANT	WV0000634584	N	DuPont
03	WADE (ABM)	PAD980539407	D	DOW/DuPont
03	WELCOME JOY	WVD980693477	N	DOW
03	WILDCAT LANDFILL	DED980704951	D	DuPont
04	A.L. TAYLOR (VALLEY OF DRUMS)	KYD980500961	D	DOW
04	BAY DRUM	FLD088783865	A	DuPont
04	BIOLOGICAL PROCESSORS OF ALABAMA	ALR000037929	N	DOW
04	CALDWELL SYSTEMS INC	NCD086871282	N	DuPont
04	CAROLINA STEEL DRUM CORP	SCD980559926	N	DuPont
04	CHEM SPRAY	FLD981020514	N	DuPont
04	DIXIE BARREL & DRUM COMPANY	TND034692632	N	DOW
04	DOCKERY PROPERTY	NCD980840342	A	DOW/DuPont
04	ELLIS ROAD/AMERICAN ELECTRIC CORP.	FLD981931827	N	DuPont
04	HOWE VALLEY LANDFILL	KYD980501191	D	DOW
04	LEE'S LANE LANDFILL	KYD980557052	D	DOW/DuPont

04	LWD INC	KYD088438817	N	DuPont
04	MCCLUSKEY'S FARM	GAD980729339	N	DuPont
04	MURPHY AVE DRUM SITE	GA0001913185	N	DOW
04	SEVEN OUT LLC TANK	GAN000407811	N	DuPont
04	US STEEL AGRICHEM/OLD BLUE CHEMICAL	SCD987591948	N	DOW
04	YELLOW WATER ROAD	FLD980844179	D	DuPont
05	AUTOMATIC CONTAINERS INCORPORATED	OHD980611321	N	DuPont
05	B & E LANDFILL	OHD980794648	N	DuPont
05	BERLIN & FARRO	MID000605717	D	DOW/DuPont
05	BOERKE	WID981189632	N	DuPont
05	BOHATY DRUMS	OHD987033743	N	DOW
05	BOWERS LANDFILL	OHD980509616	D	DuPont
05	CADIE AUTO SALVAGE	ILN000510522	N	DOW/DuPont
05	CALUMET CONTAINER	IND980500193	N	DOW/DuPont
05	CHEMICAL RECOVERY	OHD057001810	N	DOW/DuPont
05	CLAYTON CHEM CO	ILD066918327	N	DOW
05	CLIFF/DOW DUMP	MID980608970	D	DOW
05	COMMERCIAL OIL SERVICE INCORPORATION	OHD000816843	N	DOW
05	CONSERVATION CHEMICAL COMPANY	IND040888992	N	DOW/DuPont
05	DOW CHEM CO MICHIGAN DIV MIDLAND LOC	MID000724724	N	DOW
05	GRANVILLE SOLVENTS INC	OHD004495412	N	DuPont
05	GREAT LAKES PAVING/ASPHALT	IND980990816	N	DOW
05	GREINER'S LAGOONS	OHD980794622	N	DuPont
05	KINGS MILLS LEAD SITE	OHN000508990	N	DuPont
05	LASKIN/POPLAR OIL CO.	OHD061722211	D	DOW
05	MASTER METALS INCORPORATION	OHD097613871	N	DuPont
05	MOBILE TANK CAR SERVICE	OHD000720227	N	DOW/DuPont
05	NORTHWESTERN BARREL	WID981095995	N	DuPont
05	SPRINGVILLE MARSH	OHN000510507	N	DOW
05	STERLING MORTON HIGH SCHOOL	ILN000509091	N	DuPont
05	STICKNEY AVENUE LANDFILL AKA TOLEDO CITY LANDFILL	OHD000605956	N	DuPont
05	THIRD SITE	IND984876177	A	DOW
05	THOMAS SOLVENT COMPANY	MID039993902	N	DuPont
05	TITTABAWASSEE RIVER, SAGINAW RIVER & BAY	MID980994354	N	DOW
05	UNION CARBIDE CORPORATION SITE B LANDFILL	OHD980612147	N	DOW
05	US SCRAP	ILD980679484	N	DuPont
06	ARCHEM COMPANY, INC.	TXD042544270	N	DuPont
06	ARKANSAS WASTE-TO-ENERGY	ARD982286957	N	DuPont
06	BAILEY WASTE DISPOSAL	TXD980864649	D	DOW/DuPont
06	BAYOU SORREL	LAD980745541	D	DOW
06	BIO-ECOLOGY SYSTEMS, INC.	TXD980340889	D	DOW/DuPont
06	BRIO REFINING, INC.	TXD980625453	D	DOW
06	COMPASS INDUSTRIES (AVERY DRIVE)	OKD980620983	D	DOW/DuPont
06	D.L. MUD, INC.	LAD981058019	D	DOW
06	DIXIE OIL PROCESSORS, INC.	TXD089793046	D	DOW
06	GULF COAST VACUUM SERVICES	LAD980750137	D	DOW/DuPont
06	GULF NUCLEAR	TX0000605258	N	DOW/DuPont

06	GULF NUCLEAR - TAVENOR SITE	TXN000605455	N	DOW/DuPont
06	HARRIS (FARLEY STREET)	TXD980745582	D	DOW
06	HILLSDALE DRUMS	LAD985214766	N	DuPont
06	MARCO OF IOTA	LAD980624514	N	DuPont
06	MOSLEY ROAD SANITARY LANDFILL	OKD980620868	D	DOW
06	ODESSA DRUM COMPANY INC	TXD008012254	N	DOW/DuPont
06	PAB OIL & CHEMICAL SERVICE, INC.	LAD980749139	D	DOW
06	PALMER BARGE LINE	TXD068104561	D	DuPont
06	PESSER CHEMICAL CO.	TXD980699656	D	DOW/DuPont
06	PORT NECHES PIPELINE FIRE	TXN000606841	N	DOW
06	ROGERS ROAD MUNICIPAL LANDFILL	ARD981055809	D	DOW
06	SAND SPRINGS PETROCHEMICAL COMPLEX	OKD980748446	D	DuPont
06	SOUTH 8TH STREET LANDFILL	ARD980496723	D	DuPont
06	STATE MARINE OF PORT ARTHUR	TXD099801102	D	DuPont
06	WEBSTER - GULF NUCLEAR	TX0000605420	N	DOW/DuPont
07	CONTAINER RECYCLING, INC - KANSAS CITY	KSD065764995	N	DuPont
07	DU PONT, E I DE NEMOURS & CO -FT MADISON	IAD005272398	A	DuPont
07	E.I. DU PONT DE NEMOURS & CO., INC. (COUNTY ROAD X23)	IAD980685804	D	DuPont
07	FINDETT CORP.	MOD006333975	R	DOW/DuPont
07	GREAT LAKES CONTAINER CORP - ST LOUIS	MOD086827359	N	DuPont
07	OSAGE METAL COMPANY	KSD031295660	N	DuPont
07	PCB INC - KANSAS	KSD980963565	N	DuPont
07	PCB INC - MISSOURI	MOD063670350	N	DuPont
07	RED OAK CITY LANDFILL	IAD980632509	D	DOW
08	COLORADO SCHOOL OF MINES RI/CREEKSIDE	COD000823401	N	DOW
08	HANSEN CONTAINERS	COD081469801	N	DOW
08	MOLINE STREET PCBS	COD030446637	N	DOW
08	PETROCHEM RECYCLING CORP./EKOTEK PLANT	UTD093119196	D	DuPont
08	RAMP INDUST INC	COD980718985	N	DOW
08	ROCKY FLATS INDUSTRIAL PARK (THORO - AERRCO - GWI)	COD980807374	S	DOW
08	TREASURE MOUNTAIN MIDDLE SCHOOL	UTN000802495	N	DuPont
08	TWINS INN	CO0001101476	N	DOW
08	WOODBURY CHEMICAL CO.	COD980667075	D	DOW
09	GENERAL DSPL CO	CAD980735856	N	DOW/DuPont
09	RIO TINTO COPPER MINE	NV3141190030	N	DuPont

2/20/2018

Total Proposed & Final NPL Sites (Non Fed Facility)	1238	
Proposed	52	
Final	1186	
		% of Total Proposed, Final NPL Sites (1238)
Dow and Dupont Proposed & Final NPL Sites	170	14%
Non-NPL, Deleted *	128	

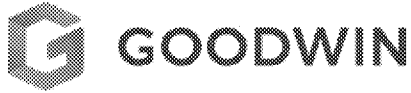
* 43 sites Deleted from the NPL.

Region	Site Name	EPA ID	NPL	Listing Year	Party Name/Affiliate
01	BEACON HEIGHTS LANDFILL	CTD072122062	F	1983	Dow/DuPont
01	BURGESS BROTHERS LANDFILL	CTD003065415	F	1989	DOW
01	DAVIS LIQUID WASTE	ND980523070	F	1983	DOW
01	GALLUP'S QUARRY	CTD108660972	F	1989	DOW
01	KEEFE ENVIRONMENTAL SERVICES (KES)	NHD092059112	F	1983	DuPont
01	OLD-SOUTHINGTON LANDFILL	CTD980670806	F	1984	DuPont
01	OTTATI & GOSS/KINGS/ON STEEL DRUM	NHD990717647	F	1983	Dow/DuPont
01	PETERSON/PURITAN, INC.	ND055176283	F	1983	DOW
01	PICILLO FARM	RI0880579056	F	1983	Dow/DuPont
01	RE-SOLVE, INC.	MAD980520621	F	1983	Dow/DuPont
01	SURESIM CHEMICAL CORP.	MAD000192393	F	1983	Dow/DuPont
01	SOLVENTS RECOVERY SERVICE OF NEW ENGLAND	CTD009717604	F	1983	DuPont
01	SUTTON BROOK DISPOSAL AREA	MAD980520696	F	2001	DuPont
02	ATLANTIC RESOURCES	ND9811558430	F	2002	DOW
02	BRIDGEPORT RENTAL & OIL SERVICES	ND053292652	F	1983	Dow/DuPont
02	BYRON BARREL & DRUM	NY0980780670	F	1986	Dow/DuPont
02	CADWELL TRUCKING CO.	ND0449798953	F	1983	DuPont
02	CHEMICAL CONTROL	ND000607481	F	1983	Dow/DuPont
02	CHEMSOL, INC.	ND980522889	F	1983	Dow/DuPont
02	COMBE FILL SOUTH LANDFILL	ND009466611	F	1983	DOW
02	CORTESE LANDFILL	NY0980528475	F	1986	DuPont
02	D'AMENO PROPERTY	ND980528416	F	1983	DOW
02	DIAMOND ALKALI CO.	ND980528996	F	1984	DuPont
02	EWAN PROPERTY	ND980761365	F	1984	DOW
02	FULTON TERMINALS	NY0980193099	F	1983	DuPont
02	GEMS LANDFILL	ND9805229192	F	1983	Dow/DuPont
02	HERCULES, INC. (GIBBSTOWN PLANT)	ND0032144958	F	1983	DuPont
02	HORSESHOE ROAD	ND980663078	F	1995	DOW
02	KIN BUC LANDFILL	ND0049860836	F	1983	Dow/DuPont
02	KING OF PRUSSIA	ND980505341	F	1983	DuPont
02	LANGS PROPERTY	ND980505382	F	1983	DuPont
02	LCP CHEMICALS INC	ND079303020	F	1998	DOW
02	LIGHTMAN DRUM COMPANY	ND014743678	F	1999	DOW
02	LIPARI LANDFILL	ND980505416	F	1983	Dow/DuPont
02	LONE PINE LANDFILL	ND980505424	F	1983	Dow/DuPont
02	MARTIN AARON, INC.	ND0114623854	F	1999	Dow/DuPont
02	MERCURY REFINING, INC.	NY0980148175	F	1983	Dow/DuPont
02	NASCOTTE CORP.	ND002362705	F	1984	DuPont
02	PIP LANDFILL	ND980505648	F	1983	Dow/DuPont
02	POLLUTION ABATEMENT SERVICES	NY0000511659	F	1983	Dow/DuPont
02	PRICE LANDFILL	ND070281175	F	1983	Dow/DuPont
02	REICH FARMS	ND980529713	F	1983	DOW
02	SABNEY FARM	NY0980555165	F	1986	DOW
02	SCIENTIFIC CHEMICAL PROCESSING	ND070565403	F	1983	Dow/DuPont
02	SWOPE OIL & CHEMICAL CO.	ND0041743220	F	1983	Dow/DuPont
02	TRI CITIES BARREL CO., INC.	NY0980509285	F	1989	DuPont
02	VENTRON NYVELS CO.	ND980529879	F	1984	Dow/DuPont
02	YOLNEY MUNICIPAL LANDFILL	NY0980509376	F	1986	DuPont
02	WOODLAND ROUTE 532 DUMP	ND980505987	F	1984	DOW
02	WOODLAND ROUTE 72 DUMP	ND980505879	F	1984	DOW
03	ARMY CREEK LANDFILL	DE0980404496	F	1983	DuPont
03	BELL LANDFILL	PA0980795107	F	1989	DuPont
03	BRESLINE PENN. INC.	PA098062695	F	1996	DuPont
03	CENTRAL CHEMICAL (HAGERSTOWN)	MD0003061447	F	1997	Dow/DuPont
03	CROYDON TCE	PA0981035009	F	1986	DOW
03	DELAWARE SAND & GRAVEL LANDFILL	DE0000605972	F	1983	DuPont
03	DOUGLASSVILLE DISPOSAL	PA00402184865	F	1983	Dow/DuPont
03	E.I. DU PONT DE NEMOURS & CO., INC. (NEWPORT PIGMENT PLANT LANDFILL)	DE098055112	F	1990	DuPont
03	FIKE CHEMICAL, INC.	VVD0047989207	F	1983	Dow/DuPont
03	GREENWOOD CHEMICAL CO.	VAD003125374	F	1987	DOW
03	HARVEY & KNOTT DRUM, INC.	DE0980713093	F	1983	DuPont
03	JACKS CREEK/SITTIN SMELTING & REFINING, INC.	PA0980829493	F	1989	Dow/DuPont
03	KOPPESS CO., INC. (NEWPORT PLANT)	DE098052244	F	1990	DuPont
03	LOWER DARBY CREEK AREA	PASFN0305521	F	2001	Dow/DuPont
03	METRO CONTAINER CORPORATION	PAD0464545985	F	2012	Dow/DuPont
03	OLD WILMINGTON ROAD GW CONTAMINATION	PA0981938939	F	2000	DuPont
03	ORDNANCE WORKS DISPOSAL AREAS	VVD0008050494	F	1986	DuPont
03	SAND, GRAVEL AND STONE	MD0980705164	F	1983	Dow/DuPont
03	SPECTRON, INC.	MD0000218008	F	1994	Dow/DuPont
03	STRASBURG LANDFILL	PAD000441337	F	1989	DuPont
03	TONOLI CORP.	PAD073613663	F	1989	DuPont
03	TYBOUTS CORNER LANDFILL	DE0000606079	F	1983	DuPont
03	WHY TMOYER LABORATORIES	PAD000095914	F	1986	DOW
03	WILLIAM DICK LAGOONS	PA0980517773	F	1987	DOW
04	ABERDEEN PESTICIDE DUMPS	NC0980843346	F	1989	Dow/DuPont
04	ALTERNATE ENERGY RESOURCES INC.	GA0033582461	F	2006	DuPont
04	AQUA TECH ENVIRONMENTAL INC. (GROCE LABS)	SC0058754789	F	1994	Dow/DuPont
04	BYRYS 601 GROUND WATER CONTAMINATION	NC004440303	F	1986	DuPont
04	CAROLAWN, INC.	SC0980558316	F	1983	DOW
04	CHARLES MACON LAGOON AND DRUM STORAGE	NC0980840409	F	1987	DuPont
04	CITY INDUSTRIES, INC.	FL0055945653	F	1989	DOW
04	DISTLER BRICKYARD	VY0980662155	F	1983	Dow/DuPont
04	DISTLER FARM	VY0980601975	F	1983	DOW
04	INTERSTATE LEAD CO. (ILCO)	ALD0041906173	F	1986	DOW
04	JADCO-HUGHES FACILITY	NC0980729602	F	1986	Dow/DuPont
04	LEONARD CHEMICAL CO., INC.	SC0991279324	F	1984	DOW
04	MAXEY FLATS NUCLEAR DISPOSAL	VY0980739107	F	1986	Dow/DuPont
04	MEELEY FARM DRUM DUMP	SC0980558142	F	1989	DOW
04	PEAK OIL CO./BAY DRUM CO.	FLD004091807	F	1986	DOW
04	RED PANTHER CHEMICAL COMPANY	MS0000272385	F	2011	Dow/DuPont
04	SCRO BLUFF ROAD	SCD0006422787	F	1983	DOW
04	SMITHS FARM	VYD097207413	F	1986	Dow/DuPont
04	STONEY MINE SLUDGE PONDS	FLD000468053	F	1989	DOW
04	TB-CITY DISPOSAL CO.	VY0981028350	F	1989	DOW
04	WARD TRANSFORMER	NC0003202603	F	2003	DOW
04	ZELLWOOD GROUND WATER CONTAMINATION	FLD049895302	F	1983	DuPont
05	ACME SOLVENT RECLAIMING, INC. (MORRISTOWN PLANT)	IL0053219259	F	1983	DuPont
05	AMERICAN CHEMICAL SERVICE, INC.	ND016396285	F	1984	Dow/DuPont
05	ARBONHEAD REFINERY CO.	ND9808923975	F	1984	DOW
05	AUTO ION CHEMICALS, INC.	MI0980794382	F	1983	DuPont
05	BOFORS NOBEL, INC.	MI0006030373	F	1989	Dow/DuPont
05	BYRON SALVAGE YARD	IL0010236230	F	1983	DuPont
05	CHEM DYNE	OH0074727793	F	1983	Dow/DuPont
05	CROSS BROTHERS PAUL RECYCLING (PEMBROKE)	IL0980792301	F	1983	DuPont
05	E.H. SCHILLING LANDFILL	OH0980509947	F	1983	DOW
05	ENVIROCHEM CORP.	IND084259951	F	1983	DOW
05	FIELDS BROOK	OH0980616572	F	1983	DOW
05	FONEST WASTI PRODUCTS	MI0980810740	F	1983	DOW
05	FULTZ LANDFILL	OH0980796410	F	1983	DOW
05	G&H LANDFILL	MI0980410823	F	1983	DOW
05	GARY DEVELOPMENT LANDFILL	IND077005916	F	2011	Dow/DuPont
05	H.O.D. LANDFILL	IL0980605836	F	1990	DOW
05	IONIA CITY LANDFILL	MI0980794416	F	1983	DOW
05	JANESVILLE K&H BEES	MI0000713950	F	1984	DuPont
05	LAKE CALUMET CLUSTER	IL0000716853	F	2010	Dow/DuPont
05	LAMMERS BARREL FACTORY	OH0981537582	F	2003	DuPont
05	LENZ OIL SERVICE, INC.	IL0005451711	F	1989	DuPont
05	LIQUID DISPOSAL, INC.	MI0967340711	F	1983	Dow/DuPont
05	LINCOLN AREA LANDFILL	MI0980976562	F	1984	Dow/DuPont
05	NEW LYME LANDFILL	OH0980794614	F	1983	DOW
05	NINTH AVENUE DUMP	IND980794432	F	1983	Dow/DuPont
05	NORTHSIDE SANITARY LANDFILL, INC.	IND050530872	F	1984	DOW
05	ORGANIC CHEMICALS, INC.	MI0980858003	F	1983	Dow/DuPont
05	PETER CARTRIDGE FACTORY	OH0987935083	F	2012	DuPont
05	PRISTINE, INC.	OH0076773712	F	1983	DOW
05	SEYMOUR RECYCLING CORP.	IND040313017	F	1983	DOW
05	SKINNER LANDFILL	OH0963963714	F	1983	Dow/DuPont
05	SUMMIT NATIONAL	OH0980609994	F	1983	Dow/DuPont
05	TERMO CHEM, INC.	MI0044557162	F	1986	DuPont
05	U.S. SMELTER AND LEAD REFINERY, INC.	IND047030226	F	2009	DuPont
05	VERONA WELL FIELD	MI0980793806	F	1983	DuPont
05	SAUGET AREA 2	IL0000605790	P	2001	DOW
06	CEDAR CHEMICAL CORPORATION	AR0990660649	F	2012	DuPont
06	COMBUSTION, INC.	LA0072606627	F	1990	DOW
06	FRENCH LTD.	TX0980514814	F	1983	Dow/DuPont
06	GULFCO MARINE MAINTENANCE	TXD051444539	F	2003	DOW
06	HARDAGE/CRINER	OKD000400093	F	1983	Dow/DuPont
06	MALONE SERVICE CO - SWAN LAKE PLANT	TX0980864789	F	2001	Dow/DuPont
06	MANN DIVERSIFIED INTERESTS, INC.	TX0980813404	F	1999	DOW
06	MOTCO, INC.	TX0980629851	F	1983	Dow/DuPont
06	PATRICK BAYOU	TX0000605329	F	2002	DOW
06	PETRO-CHEMICAL SYSTEMS, INC. (TURTLE BAYOU)	TX0980873350	F	1986	DOW
06	PETRO-PROCESSORS OF LOUISIANA, INC.	LA0057482713	F	1984	Dow/DuPont
06	SHERIDAN DISPOSAL SERVICES	TXD062122147	F	1989	Dow/DuPont
06	SIXES DISPOSAL PITS	TX0980513856	F	1983	DOW
06	TEX-TIN CORP.	TXD062113329	F	1998	Dow/DuPont
06	US OIL RECOVERY	TXN000607093	F	2012	DOW
06	VERTAC, INC.	AR0000013440	F	1983	DOW
06	DEVIL'S SWAMP LAKE	LA0981553872	F	2014	DOW
07	CHEROKEE COUNTY	KS0980741862	F	1983	DuPont
07	LAWRENCE TODTZ FARM	IA00000606038	F	1986	DuPont
07	MISSOURI ELECTRIC WORKS	MO0980965982	F	1990	Dow/DuPont
07	NEBRASKA ORDNANCE PLANT (FORMER)	NE6211890011	F	1990	DOW
07	ORONOGIO DREWES MINING BELT	MO0980886288	F	1990	DuPont
08	LOWMY LANDFILL	TXD090490248	F	1984	Dow/DuPont
08	MYSTERY BRIDGE RD/U.S. HIGHWAY 20	VYD981546005	F	1990	DOW
08	RICHARDSON FLAT TAILINGS	UT0980952840	P	1992	DuPont
09	CASMILLA RESOURCES	CAD020748125	F	2001	Dow/DuPont
09	DELANO	CAD029544731	F	2012	DOW
09	DEL MONTE CORP. (DAHL PLANTATION)	ND9806517631	F	1994	DOW
09	FAIRCHILD SEMICONDUCTOR CORP. (MOUNTAIN VIEW PLANT)	CAD095889778	F	1991	DOW
09	HASSAYAMPA LANDFILL	AZ0980735666	F	1987	DOW
09	INDUSTRIAL WASTE PROCESSING	CAD980736284	F	1990	DOW
09	LONDETZ BARREL & DRUM CO.	CAD029295706	F	1989	Dow/DuPont
09	OMEGA CHEMICAL CORPORATION	CAD042245001	F	1999	Dow/DuPont
09	OPERATING INDUSTRIES, INC., LANDFILL	CAT080012024	F	1986	Dow/DuPont
09	PURITY OIL SALES, INC.	CAD980736151	F	1983	DOW
10	PORTLAND HARBOR	OR5FN002155	F	2000	DOW
10	WESTERN PROCESSING CO., INC.	WA0009487513	F	1983	DOW
10	BLACKBIRD MINE	ID0980725832	P	1993	DOW

Region	Site Name	EPA ID	NPL	Status
01	SEAWAY BOAT	MED982547960	N	DOW
02	BARCELONETA LANDFILL	PRD980509129	D	DOW/DuPont
02	BAYONNE DRUM & BARREL CO	NJD009871401	N	DuPont
02	CLOTHIER DISPOSAL	NYD000511576	D	DuPont
02	DUPONT /NECCO PARK	NYD980532162	N	DuPont
02	ENRX. INC.	NYD175762616	N	DOW/DuPont
02	ENVIROTEK	NYD021744537	N	DOW
02	HOPKINS FARM	NJD980532840	D	DOW
02	MORGAN ORDINANCE DEPOT(AKATA/GILLESPIE	NJD986652519	N	DuPont
02	NEWBURGH LANDFILL	NYD980534846	N	DuPont
02	NIAGARA COUNTY REFUSE	NYD000514257	D	DuPont
02	PFOHL BROTHERS LANDFILL	NYD980507495	D	DuPont
02	PIONEER SMELTING CO INC	NJD014786982	N	DuPont
02	PORT REFINERY	NYD986954048	N	DuPont
02	PULVERIZING SERVICES	NJD980582142	N	DOW/DuPont
02	RENORA, INC.	NJD070415005	D	DuPont
02	SAYREVILLE LANDFILL	NJD980505754	D	DOW
02	TABERNACLE DRUM DUMP	NJD980761357	D	DOW/DuPont
02	WARWICK LANDFILL	NYD980506679	D	DOW
02	WIDE BEACH DEVELOPMENT	NYD980652259	D	DOW/DuPont
03	AMCHEM PROD INC	PAD002348324	N	DOW
03	BAHN WAREHOUSE	PAD987277977	N	DuPont
03	DIXIE CAVERNS COUNTY LANDFILL	VAD980552095	D	DOW
03	DUPONT EXPLOSIVES	PAD981939325	N	DuPont
03	EAST COAST TRAILER SALES	PA0000634659	N	DuPont
03	KENT COUNTY LANDFILL (HOUSTON)	DED980705727	W	DuPont
03	METCOA	PAD080719446	N	DOW/DuPont
03	MOYERS LANDFILL	PAD980508766	D	DOW
03	NEW CASTLE ABANDONED CONTAINER SITE	DED981736440	N	DuPont
03	ROHM AND HAAS CO. LANDFILL	PAD091637975	R	DOW
03	SEAFORD-ARBUTUS WELL FIELD	DED984075523	N	DuPont
03	SPELTER ZINC PLANT	WV0000634584	N	DuPont
03	WADE (ABM)	PAD980539407	D	DOW/DuPont
03	WELCOME JOY	WVD980693477	N	DOW
03	WILDCAT LANDFILL	DED980704951	D	DuPont
04	A.L. TAYLOR (VALLEY OF DRUMS)	KYD980500961	D	DOW
04	BAY DRUM	FLD088783865	A	DuPont
04	BIOLOGICAL PROCESSORS OF ALABAMA	ALR000037929	N	DOW
04	CALDWELL SYSTEMS INC	NCD086871282	N	DuPont
04	CAROLINA STEEL DRUM CORP	SCD980559926	N	DuPont
04	CHEM SPRAY	FLD981020514	N	DuPont
04	DIXIE BARREL & DRUM COMPANY	TND034692632	N	DOW
04	DOCKERY PROPERTY	NCD980840342	A	DOW/DuPont
04	ELLIS ROAD/AMERICAN ELECTRIC CORP.	FLD981931827	N	DuPont
04	HOWE VALLEY LANDFILL	KYD980501191	D	DOW
04	LEE'S LANE LANDFILL	KYD980557052	D	DOW/DuPont

04	LWD INC	KYD088438817	N	DuPont
04	MCCLUSKEY'S FARM	GAD980729339	N	DuPont
04	MURPHY AVE DRUM SITE	GA0001913185	N	DOW
04	SEVEN OUT LLC TANK	GAN000407811	N	DuPont
04	US STEEL AGRICHEM/OLD BLUE CHEMICAL	SCD987591948	N	DOW
04	YELLOW WATER ROAD	FLD980844179	D	DuPont
05	AUTOMATIC CONTAINERS INCORPORATED	OHD980611321	N	DuPont
05	B & E LANDFILL	OHD980794648	N	DuPont
05	BERLIN & FARRO	MID000605717	D	DOW/DuPont
05	BOERKE	WID981189632	N	DuPont
05	BOHATY DRUMS	OHD987033743	N	DOW
05	BOWERS LANDFILL	OHD980509616	D	DuPont
05	CADIE AUTO SALVAGE	ILN000510522	N	DOW/DuPont
05	CALUMET CONTAINER	IND980500193	N	DOW/DuPont
05	CHEMICAL RECOVERY	OHD057001810	N	DOW/DuPont
05	CLAYTON CHEM CO	ILD066918327	N	DOW
05	CLIFF/DOW DUMP	MID980608970	D	DOW
05	COMMERCIAL OIL SERVICE INCORPORATION	OHD000816843	N	DOW
05	CONSERVATION CHEMICAL COMPANY	IND040888992	N	DOW/DuPont
05	DOW CHEM CO MICHIGAN DIV MIDLAND LOC	MID000724724	N	DOW
05	GRANVILLE SOLVENTS INC	OHD004495412	N	DuPont
05	GREAT LAKES PAVING/ASPHALT	IND980990816	N	DOW
05	GREINER'S LAGOONS	OHD980794622	N	DuPont
05	KINGS MILLS LEAD SITE	OHN000508990	N	DuPont
05	LASKIN/POPLAR OIL CO.	OHD061722211	D	DOW
05	MASTER METALS INCORPORATION	OHD097613871	N	DuPont
05	MOBILE TANK CAR SERVICE	OHD000720227	N	DOW/DuPont
05	NORTHWESTERN BARREL	WID981095995	N	DuPont
05	SPRINGVILLE MARSH	OHN000510507	N	DOW
05	STERLING MORTON HIGH SCHOOL	ILN000509091	N	DuPont
05	STICKNEY AVENUE LANDFILL AKA TOLEDO CITY LANDFILL	OHD000605956	N	DuPont
05	THIRD SITE	IND984876177	A	DOW
05	THOMAS SOLVENT COMPANY	MID039993902	N	DuPont
05	TITTABAWASSEE RIVER, SAGINAW RIVER & BAY	MID980994354	N	DOW
05	UNION CARBIDE CORPORATION SITE B LANDFILL	OHD980612147	N	DOW
05	US SCRAP	ILD980679484	N	DuPont
06	ARCHEM COMPANY, INC.	TXD042544270	N	DuPont
06	ARKANSAS WASTE-TO-ENERGY	ARD982286957	N	DuPont
06	BAILEY WASTE DISPOSAL	TXD980864649	D	DOW/DuPont
06	BAYOU SORREL	LAD980745541	D	DOW
06	BIO-ECOLOGY SYSTEMS, INC.	TXD980340889	D	DOW/DuPont
06	BRIO REFINING, INC.	TXD980625453	D	DOW
06	COMPASS INDUSTRIES (AVERY DRIVE)	OKD980620983	D	DOW/DuPont
06	D.L. MUD, INC.	LAD981058019	D	DOW
06	DIXIE OIL PROCESSORS, INC.	TXD089793046	D	DOW
06	GULF COAST VACUUM SERVICES	LAD980750137	D	DOW/DuPont
06	GULF NUCLEAR	TX0000605258	N	DOW/DuPont

06	GULF NUCLEAR - TAVENOR SITE	TXN000605455	N	DOW/DuPont
06	HARRIS (FARLEY STREET)	TXD980745582	D	DOW
06	HILLSDALE DRUMS	LAD985214766	N	DuPont
06	MARCO OF IOTA	LAD980624514	N	DuPont
06	MOSLEY ROAD SANITARY LANDFILL	OKD980620868	D	DOW
06	ODESSA DRUM COMPANY INC	TXD008012254	N	DOW/DuPont
06	PAB OIL & CHEMICAL SERVICE, INC.	LAD980749139	D	DOW
06	PALMER BARGE LINE	TXD068104561	D	DuPont
06	PESSER CHEMICAL CO.	TXD980699656	D	DOW/DuPont
06	PORT NECHES PIPELINE FIRE	TXN000606841	N	DOW
06	ROGERS ROAD MUNICIPAL LANDFILL	ARD981055809	D	DOW
06	SAND SPRINGS PETROCHEMICAL COMPLEX	OKD980748446	D	DuPont
06	SOUTH 8TH STREET LANDFILL	ARD980496723	D	DuPont
06	STATE MARINE OF PORT ARTHUR	TXD099801102	D	DuPont
06	WEBSTER - GULF NUCLEAR	TX0000605420	N	DOW/DuPont
07	CONTAINER RECYCLING, INC - KANSAS CITY	KSD065764995	N	DuPont
07	DU PONT, E I DE NEMOURS & CO -FT MADISON	IAD005272398	A	DuPont
07	E.I. DU PONT DE NEMOURS & CO., INC. (COUNTY ROAD X23)	IAD980685804	D	DuPont
07	FINDETT CORP.	MOD006333975	R	DOW/DuPont
07	GREAT LAKES CONTAINER CORP - ST LOUIS	MOD086827359	N	DuPont
07	OSAGE METAL COMPANY	KSD031295660	N	DuPont
07	PCB INC - KANSAS	KSD980963565	N	DuPont
07	PCB INC - MISSOURI	MOD063670350	N	DuPont
07	RED OAK CITY LANDFILL	IAD980632509	D	DOW
08	COLORADO SCHOOL OF MINES RI/CREEKSIDE	COD000823401	N	DOW
08	HANSEN CONTAINERS	COD081469801	N	DOW
08	MOLINE STREET PCBS	COD030446637	N	DOW
08	PETROCHEM RECYCLING CORP./EKOTEK PLANT	UTD093119196	D	DuPont
08	RAMP INDUST INC	COD980718985	N	DOW
08	ROCKY FLATS INDUSTRIAL PARK (THORO - AERRCO - GWI)	COD980807374	S	DOW
08	TREASURE MOUNTAIN MIDDLE SCHOOL	UTN000802495	N	DuPont
08	TWINS INN	CO0001101476	N	DOW
08	WOODBURY CHEMICAL CO.	COD980667075	D	DOW
09	GENERAL DSPL CO	CAD980735856	N	DOW/DuPont
09	RIO TINTO COPPER MINE	NV3141190030	N	DuPont



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Ex. 6

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February 28, 2018

Honorable John Barrasso
Chairman
Committee on Environment and Public Works
United States Senate
410 Dirksen Senate Office Building
Washington, D.C. 20510

Honorable Thomas R. Carper
Ranking Member
Committee on Environment and Public Works
United States Senate
456 Dirksen Senate Office Building
Washington, D.C. 20510

**Re: Nomination of Peter C. Wright as Assistant Administrator for the Office of Land and
Emergency Management, U.S. Environmental Protection Agency**

Dear Chairman Barrasso and Ranking Member Carper:

I am writing in my personal capacity in enthusiastic support of the nomination of Mr. Peter C. Wright as Assistant Administrator of the United States Environmental Protection Agency for the Office of Land and Emergency Management ("OLEM"). As an environmental lawyer for more than thirty years whose practice has emphasized the legal issues under the jurisdiction of OLEM and its predecessor office, I fully understand the importance of this office to the protection of the environment and the public health and welfare of the United States. I am also fully aware of the critical role that the Assistant Administrator plays in setting environmental policy, including policies concerning the cleanup of contaminated sites under the federal Superfund Program.

It is difficult to imagine a candidate more qualified for this position than Mr. Wright. He would bring to the Assistant Administrator role a wealth of substantive knowledge and experience acquired over several decades as one of the most widely respected practitioners in this highly complex area of law. He would also bring a strong sense of practicality and fairness acquired in the trenches of environmental law, as well as his commitment to expediting accomplishment of OLEM's important objectives. Based on my personal knowledge of Mr. Wright and my experience in working with him, I have complete confidence that he has the character, knowledge, and abilities necessary to lead OLEM with distinction.

For these reasons, I support Mr. Wright's nomination highly and without reservation. I believe that, if confirmed, he will capably serve OLEM, EPA, and the public as Assistant Administrator.

Sincerely,

Laurence S. Kirsch
Partner and Chair, Energy and Environmental Practice

June 19, 2018

RECUSAL STATEMENT OF PETER WRIGHT

To: E. Scott Pruitt, EPA Administrator

I have consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This recusal statement formally notifies you of my continuing obligations to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I will sign upon entering federal service, as well as my own bar obligations.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

As stated in my ethics agreement sent to the Senate Environment and Public Works Committee, I agreed to forfeit all DowDuPont, Inc. stock options that are unvested at the time of my resignation from DowDuPont and to divest of my vested stock options and stock in DowDuPont, Inc. within 90 days of my confirmation. If I enter federal service prior to confirmation, then I will sell the stock within 90 days of joining EPA. Until I sell the stock, I understand that I am recused from participating personally and substantially in any particular matter, including sector-specific policies and regulations, that would have a direct and predictable effect on the following:

Name of Entity	Date when recusal ends
DowDuPont, Inc.	My financial conflict of interest continues for as long as I own stock in this company. Upon divestiture, I understand that I am still subject to additional restrictions pursuant to Executive Order 13770.
Chemical industry sector	continues for as long as I own stock in the chemical industry sector

Once I have sold the stock, I will update this recusal statement.

OBLIGATIONS UNDER EXECUTIVE ORDER 13,770

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I have ethics obligations with respect to any former employer during the preceding two years, as well as any organization in which I held a fiduciary duty. For purposes of this restriction, the entities that fall within the prohibition are DowDuPont Inc., the National Association of Wabash Men, and the Lambda Chi Alpha Home Association of Wabash College.

I understand that I am prohibited from participating in any particular matter involving specific parties in which any of the entities listed below is a party or represents a party. My recusal lasts for two years from the date that I join federal service. I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means five or more parties who represent a diversity of interests rather than one shared perspective. I understand that such meetings do not have to be open to every corner, but should include a multiplicity of parties¹.

NAME OF ENTITY	DATE WHEN RECUSAL ENDS
DowDuPont Inc.	[two years from date of appointment], 2020
National Association of Wabash Men, Board of Directors	[two years from date of appointment], 2020
Lambda Chi Alpha Home Association of Wabash College, Board of Directors	[two years from date of appointment], 2020

ATTORNEY BAR OBLIGATIONS

Pursuant to my obligations under my bar rules, I recognize that I am obliged to protect the confidences of my former clients. I also understand that I cannot participate in any matter that is the same as or substantially related to the same specific party matter that I participated in personally and substantially while in private practice, unless my bar provides for and I first obtain informed consent and notify OGC/Ethics.

SUPERFUND SITES

To avoid any concerns about my ethical obligations, I want to state clearly that I will not participate in any of the Superfund sites at which DowDuPont is a potentially responsible party (PRP). See attached lists generated by the Office of Site Remediation and Enforcement.

¹ As explained by the Office of Government Ethics, if an agency is holding a meeting with five or more stakeholders regarding a given policy or piece of legislation, I could attend such a meeting even if one of the stakeholders is a former employer or former client. See Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13770 pursuant to OGE Legal Advisory LA-17-03 (3/20/17).

Consistent with my bar rules, while at EPA, I will not participate in any site on the attached lists that I previously worked on personally and substantially. Consistent with my obligations under ethics regulations and the Executive Order, for any of the sites on the attached list that I did not work on personally and substantially, I will not participate on that site until after [two years from date of appointment], 2020.

SCREENING ARRANGEMENT

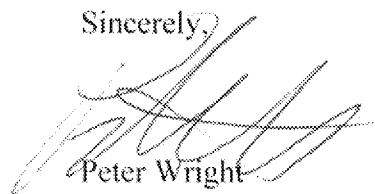
In order to ensure that I do not participate in the matters relating to any of the entities listed above, I will instruct Barry Breen or Steven Cook, Deputy Assistant Administrators, to assist in screening EPA matters directed at my attention that involve these entities. All inquiries and comments involving the entities on my recusal list should be directed to Barry or Steven without my knowledge and involvement until after my recusal period ends.

If Barry or Steven determine that a particular matter will directly involve any of the entities listed on my "specific party" recusal list, then they will refer it for action or assignment to another, without my knowledge or involvement. In the event that they are unsure whether an issue is a particular matter from which I am recused, then they will consult with OGC/Ethics for a determination. I will provide a copy of this memorandum to my principal subordinates with a copy to Justina Fugh, Senior Counsel for Ethics.

UPDATE AS NECESSARY

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

Sincerely,

A handwritten signature in dark ink, appearing to be "Peter Wright", written over a horizontal line.

Peter Wright

Attachments

cc: Ryan Jackson, Chief of Staff
Steven Cook, Deputy Assistant Administrator
Barry Breen, Principal Deputy Assistant Administrator
Justina Fugh, Senior Counsel for Ethics

2017-2018

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Dana I. Jonsaitis
Chicago, IL

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February 28, 2018

Via E-mail

The Honorable John Barasso, M.D.
Chairman
U.S. Senate Committee on Environment
and Public Works
410 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Thomas R. Carper
Ranking Member
U.S. Senate Committee on Environment
and Public Works
456 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Dr. Barasso and Mr. Carper:

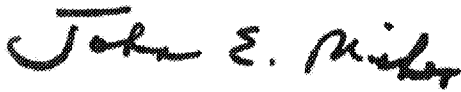
The signatories to this letter, the current Chair, and many former Chairs of the American Bar Association's Section of Environment, Energy, and Resources (SEER), are pleased to offer their support for the consideration of Peter C. Wright as Assistant Administrator of the U.S. Environmental Protection Agency's (EPA) Office of Land and Emergency Management (OLEM). Peter has been a friend, colleague, inspiring leader, and faithful supporter of SEER for many years. Peter's leadership skills, expansive subject matter expertise in OLEM-related areas, impeccable character, and personal integrity will ensure his success as Assistant Administrator of OLEM.

SEER is the premier forum for environment, energy, and natural resource lawyers. Our 10,000 plus members share their expertise, leadership, and vision for the future by collaborating on educational programs, public service outreach, and a vast array of publications on topics relevant to our members and the broader legal and lay communities interested in these topics.

Peter has been a SEER member for many years and has served in countless leadership positions. Peter's calm, deliberate, and comforting style, his expansive substantive knowledge of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the Resource Conservation and Recovery Act (RCRA), and related land management legal and regulatory systems and programs, as well as his personal integrity and honor have earned the respect

and admiration of SEER officers, members, and staff. Peter's career, his selfless commitment to SEER and the members it serves, and his well-recognized personal integrity exemplify the highest standards of the legal profession. We enthusiastically and without reservation support the consideration of Peter as Assistant Administrator for OLEM, and believe Peter will serve the office with distinction and honor.

Sincerely,

A handwritten signature in black ink that reads "John E. Milner". The signature is written in a cursive, slightly slanted style.

John E. Milner, Esquire
Chair
American Bar Association
Section of Environment, Energy, and Resources

Past Chairs:

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Kenneth J. Warren, 2003-04
Eugene E. Smary, 2002-03
Sheila Slocum Hollis, 2001-02
Theodore L. Garrett, 2000-01
R. Kinnan Golemon, 1994-95

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 6/12/2018 11:12:27 PM
To: lbergeson@lawbc.com

Lynn, I just wanted to check back in with you when you get a moment about our meeting.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 6/22/2018 1:13:23 PM
To: Adam_Zipkin@booker.senate.gov
Subject: Fwd: EPA Celebrates New Chemical Safety Milestones on 2nd Anniversary of Lautenberg Chemical Safety Act

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

Begin forwarded message:

From: "EPA Press Office" <press@epa.gov>
Date: June 22, 2018 at 8:02:50 AM EDT
To: "jackson.ryan@epa.gov" <jackson.ryan@epa.gov>
Subject: EPA Celebrates New Chemical Safety Milestones on 2nd Anniversary of Lautenberg Chemical Safety Act
Reply-To: press@epa.gov



U.S. ENVIRONMENTAL PROTECTION AGENCY
NEWS RELEASE
WWW.EPA.GOV/NEWSROOM

EPA Celebrates New Chemical Safety Milestones on 2nd Anniversary of Lautenberg Chemical Safety Act

The Agency will reduce animal testing, track mercury imports and manufacturing, and facilitate sharing of Confidential Business Information with emergency responders

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responsibilities to release guidance and policy on confidential business information, a strategy to reduce animal testing, and a final mercury reporting rule.

“At this two-year milestone, I am proud to say that the Agency is delivering results and meeting the statutory responsibilities and deadlines of the new law,” said EPA Administrator Scott Pruitt. **“These actions will boost transparency and increase public confidence in chemical safety.”**

Under Administrator Pruitt, EPA has once again met the important deadlines set by the Lautenberg Chemical Safety Act, which amended the nation’s primary chemicals management law, the Toxic Substances Control Act (TSCA), by the Act’s June 22, 2018 deadline. The legislation received bipartisan support in the U.S. House of Representatives and the Senate, and provides significant new responsibilities and authorities to EPA to advance chemical safety.

EPA has completed the following milestones at this two-year anniversary:

- **Finalized strategy to reduce animal testing.** The strategy promotes the development and implementation of alternative test methods and strategies to reduce, refine, or replace vertebrate animal testing. It also incorporates input from public meetings and written comments. [Learn more.](#)
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- **Guidance for state, tribal, and local governments, and medical personnel and emergency responders on sharing confidential business information (CBI).** These guidances specify the process that will enable other governmental entities and medical and emergency personnel to request CBI information. [Learn more.](#)
- **Policy and procedures for assigning unique identifiers to better publicly track information on chemicals while protecting CBI.** An identifier will be applied to a substance, whose identity is protected as CBI, as well as to other related information or submissions concerning the same substance. This will allow the public to connect information related to the same substance, even while the specific identity is protected as confidential. [Learn more.](#)
- **Guidance on structurally descriptive generic names.** This guidance will allow EPA to share more information with the public about the structure of substances while protecting the confidential elements of the substance’s specific chemical identity. TSCA Submitters claiming the specific chemical identity of a chemical substance as CBI are required to supply a structurally descriptive generic name that can be disclosed to the public. [Learn more.](#)

In addition to these two-year anniversary milestones, EPA has diligently worked to implement the first major update to an environmental statute in 20 years. Here are some highlights:

On June 22, 2017 - the one-year anniversary of the Lautenberg Chemical Safety Act - EPA met milestones for [three framework TSCA rules](#): the Prioritization Process Rule, the Risk Evaluation Process Rule, and the Inventory Rule. EPA's TSCA team is working hard to implement these important processes.

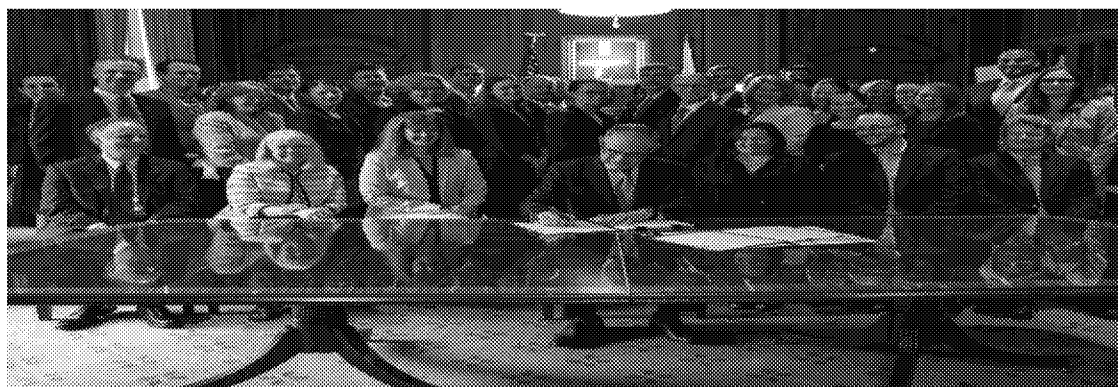
EPA announced the first ten chemicals to undergo risk evaluations and then issued corresponding scope documents for these chemicals, which describe the scope of the risk evaluation to be conducted, including the hazards, exposures, conditions of use, and potentially exposed or susceptible subpopulations that the Agency expects to consider. And last month, EPA released [problem formulation documents](#) to refine those scope documents. This is an important interim step prior to completing and publishing the final risk evaluations by December 2019.

EPA also released a [systematic review approach](#) for public comment to guide EPA's selection and review of studies and provide transparency in how the Agency plans to evaluate scientific information. EPA proposed a [significant new use rule \(SNUR\)](#) for public comment enabling the Agency to prevent new uses of asbestos - the first such action on asbestos ever proposed as well.

EPA took a number of actions to address the review of new chemical submissions to the Agency: EPA decreased the backlog of new chemicals awaiting EPA review, increased transparency through a public meeting as well as a [guidance document for companies and the public to better explain how our analyses are conducted](#), and added a pre-consultation step to engage early with companies, increase their certainty and improve new chemical submissions.

Pursuant to the amended law, EPA also proposed a [fees rule](#) on certain chemical manufacturers - including importers and processors - to provide a sustainable source of funding to support resources implementing EPA's new responsibilities under the amended law.

[Read more about EPA's actions under the Lautenberg Chemical Safety Act](#)



Administrator Pruitt signs a guidance and policy on confidential business information, a strategy to reduce animal testing, and a final mercury reporting rule on the two-year anniversary of the Lautenberg Chemical Safety Act with the hardworking staff of EPA's Office of Chemical Safety and Pollution Prevention.



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Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 6/6/2018 7:09:16 PM
To: richard_russell@epw.senate.gov
CC: Lyons, Troy [lyons.troy@epa.gov]

Richard, I just wanted to ensure we are all set for a nomination hearing on June 20? Thanks.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 6/22/2018 1:13:08 PM
To: Zipkin, Adam (Booker) [Adam_Zipkin@booker.senate.gov]
Subject: Re: look at that chart...

Yesterday. We signed it. Your plan is final.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

On Jun 22, 2018, at 9:10 AM, Zipkin, Adam (Booker) <Adam_Zipkin@booker.senate.gov> wrote:

Love it! When is that from?

Sent from my iPhone

On Jun 22, 2018, at 8:51 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency

Ex. 6

<42041289535_3278c55b6a_o.jpg>

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 6/20/2018 11:02:40 PM
To: Khary Cauthen [cauthenk@api.org]
Subject: Re: Administrator Pruitt Phone Call Request with API CEO and President Jack Gerard

Yes we can. Let me work on this.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

On Jun 20, 2018, at 6:13 PM, Khary Cauthen <cauthenk@api.org> wrote:

Ryan: Good evening, I hope that all is well with you. Would like to formally request a quick telephone conversation between my boss Jack Gerard and Administrator Pruitt.

The topic for the conversation is general catch up and ongoing fuels policy.

I don't imagine the phone call's length being longer than 15 minutes and Mr. Gerard is open to taking the call at the Administrator's earliest convenience.

Khary Cauthen
Senior Director, Federal Relations

Ex. 6

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 6/22/2018 12:51:07 PM
To: Horner, Elizabeth (EPW) [Elizabeth_Horner@epw.senate.gov]
Subject: FW: EPA Celebrates New Chemical Safety Milestones on 2nd Anniversary of Lautenberg Chemical Safety Act

Do you handle the toxics portfolio or just air?

From: EPA Press Office [mailto:press=epa.gov@cmail19.com] **On Behalf Of** EPA Press Office
Sent: Friday, June 22, 2018 8:03 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: EPA Celebrates New Chemical Safety Milestones on 2nd Anniversary of Lautenberg Chemical Safety Act



U.S. ENVIRONMENTAL PROTECTION AGENCY
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EPA Celebrates New Chemical Safety Milestones on 2nd Anniversary of Lautenberg Chemical Safety Act

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From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 6/22/2018 12:50:46 PM
To: Holland, Luke (Inhofe) [Luke_Holland@inhofe.senate.gov]
Subject: FW: EPA Celebrates New Chemical Safety Milestones on 2nd Anniversary of Lautenberg Chemical Safety Act

From: EPA Press Office [mailto:press=epa.gov@cmail19.com] **On Behalf Of** EPA Press Office
Sent: Friday, June 22, 2018 8:03 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: EPA Celebrates New Chemical Safety Milestones on 2nd Anniversary of Lautenberg Chemical Safety Act



U.S. ENVIRONMENTAL PROTECTION AGENCY
NEWS RELEASE
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[Read more about EPA's actions under the Lautenberg Chemical Safety Act.](#)



Administrator Pruitt signs a guidance and policy on confidential business information, a strategy to reduce animal testing, and a final mercury reporting rule on the two-year anniversary of the Lautenberg Chemical Safety Act with the hardworking staff of EPA's Office of Chemical Safety and Pollution Prevention.



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Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 6/15/2018 8:18:21 PM
To: Chris Meyers [cmeyers@oaec.coop]
Subject: synopsis
Attachments: CCR-Legislative History-061418.docx

The coops helped us get this done in Congress last year, and EPA awarded the first approval to Oklahoma or will Monday.

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency

Ex. 6

ANNOUNCEMENT ON JUNE 18

Accomplishment

On June 18, 2018, EPA is scheduled to approve Oklahoma's first-in-the-nation application to operate a state permit program regulating the disposal of coal combustion residuals (CCR or coal ash) from electric utilities. This will mark the **first time** EPA has approved a state permit program for CCR using the new authority that Congress provided EPA in 2016. **First in the nation.**

CCR Background at EPA

In April 2015, EPA published a final rule under the Resource Conservation and Recovery Act (RCRA) that designated CCR as nonhazardous waste and established national requirements governing the disposal of CCR in landfills and surface impoundments. Unlike the Clean Air Act and the Clean Water Act, which are generally implemented by states through permit programs that are approved by EPA, RCRA originally did not authorize EPA to regulate CCR as nonhazardous waste through state permit programs. Instead, utilities were responsible for directly implementing the requirements of EPA's 2015 CCR rule, which were enforceable only through citizen suits.

JMI's Work in Congress

(Below is entire legislative history, dates, hearings, and votes)

As chairman of the Senate Environment and Public Works Committee, Senator Inhofe led **two hearings** examining the challenges of the 2015 CCR rule and the need for legislation to allow Oklahoma and other states to regulate CCR through EPA-approved state permit programs rather than through the self-implementing requirements of the CCR rule. Representatives of electric utilities and states testified in favor of amending RCRA to allow state permit programs because they would be able to tailor the requirements for disposing of CCR to address the specific risks and concerns posed by an individual utility, rather than through the one-size-fits-all national standards in the 2015 CCR rule.

Chairman Inhofe worked on a bipartisan basis with then-ranking member Barbara Boxer, other members of the Senate, and colleagues in the House of Representatives, along with states, the utility sector, and environmental groups, to craft compromise legislation giving states authority to regulate CCR through permit programs. This legislation was included as part of the Water Infrastructure Improvements for the Nation Act, which passed the Senate by a vote of 78 to 21 and was enacted into law in December 2016.

Under the WIIN Act authority, EPA is required to approve within 180 days of receipt a state's application to operate a permit program in lieu of the 2015 CCR rule if the Administrator determines the state's program will require electric utilities to comply with the requirements of the 2015 CCR rule or successor regulations. However, an approved state program may allow individual permits to include technical requirements that vary from the requirements of the 2015 CCR rule or successor regulations so long those site-specific requirements are at least as protective of the federal requirements.

EPA's Work Implementing the New Law

On April 28, 2017, EPA Administrator Scott Pruitt wrote to the nation's governors informing them about the WIIN Act and encouraging them to submit applications to operate state permit programs. EPA issued interim final guidance on August 10, 2017 to assist states in developing their program applications and providing a framework for how EPA would process the applications.

Oklahoma initially submitted its draft application on July 31, 2017. On December 21, 2017, EPA informed Oklahoma that its application was complete, triggering the 180-day review deadline. EPA hosted a public hearing in Oklahoma City on February 13, 2018, about Oklahoma's application. Separately, EPA is considering changes to the 2015 CCR rule to facilitate the transition to permit programs and to allow use of alternative-risk based standards. EPA published a proposed rule on March 15, 2018, containing more than a dozen potential changes. EPA plans to propose additional changes later this year.

Legislative History in 114th Congress

June 17, 2015 -- Chairman Inhofe led an oversight hearing of the Environment and Public Works Committee examining EPA's 2015 final rule to regulate the disposal of coal combustion residuals from electric utilities. Chairman Inhofe made the following statement at the hearing:

"This is an important issue that cuts across the Committee's areas of jurisdiction—from the regulation of waste, to the impact of EPA's other rules on electric utilities, and to the importance of coal ash to highways and infrastructure projects. EPA has extensively studied the safety of coal ash. For decades, coal ash has been regulated as nonhazardous waste by states. It is also worth noting that coal ash is an important ingredient in concrete and helps extend the lifespan of and control costs for the concrete used in roads and bridges. In fact, many State Departments of Transportation require the use of coal ash in their road projects."

March 2, 2016 -- Chairman Inhofe led a hearing of the Environment and Public Works Committee to consider the bipartisan Improving Coal Combustion Residuals Regulation Act (S. 2446), focusing on how to development state permit programs to regulate CCR. Chairman Inhofe made the following statement at the hearing:

"I agree with the EPA's decision that coal ash is a non-hazardous waste, and I can assure you, in case you are wondering, that there are not 60 votes in the United States Senate that would change that ruling, so Congress should amend RCRA to authorize the State permitting programs for coal ash. The President supports it.

"As Ranking Member Boxer noted at last year's hearing on EPA's coal ash regulation, authorizing State permitting programs 'is really not that different from so many other laws. If you want to talk about permitting, I would be happy to work with you to make that fix, if necessary.' Now, I agree. I see no reason why coal ash should not be regulated through the EPA's approved State permitting programs, just like air, water, and hazardous waste.

"I have served in different capacities ... I have served as mayor of a major city; I have served in the State legislature; I have served in Congress; and I have served in the Senate. It has been my experience

that the closer you get to the people, the more local, the more responsible the decisions are, because they can find you. You can hide up here; you can't hide when you're in a city council. So I reject the idea that you can't count on ... States to protect us. I don't agree with that at all."

After the legislative hearing, Chairman Inhofe pursued new compromise legislation, referred to as the Coal Combustion Residuals Regulatory Improvement Act, with ranking member Boxer and the original sponsors of S. 2446. This compromise legislation was included as part of S. 2848, the Water Resources Development Act of 2016, which was passed by a vote of 95 to 3 in the Senate on September 15, 2016. Chairman Inhofe applauded the inclusion of the bipartisan Coal Combustion Residuals Regulatory Improvement Act in WRDA 2016. Chairman Inhofe issued the following statement:

"This bipartisan legislation that is in WRDA 2016 gives states the needed flexibility and authority to regulate coal ash to best support their state economies while also protecting the health of families and communities," Inhofe said. "This provision provides utilities the regulatory certainty they have been seeking and corrects the implementation problems with EPA's recent coal ash rule. I thank Sens. Hoeven and Manchin for keeping this issue alive in recent years and Ranking Member Boxer, Sen. Capito and the other EPW Committee members for coming together to craft this compromise language. I look forward to working with my colleagues in the House of Representatives to getting this compromise coal ash legislation enacted into law."

The Environmental Council of the States issued a statement supporting the Senate's passage of the CCR legislation as part of the Water Resources Development Act:

"The Environmental Council of the States commends the Senate on its passage yesterday of the Coal Combustion Regulatory Improvement Act (Act), authorizing states to develop and carry out programs to control coal combustion residual (CCR) units. Included as Section 8001 in S. 2848 of the Water Resources Development Act (WRDA) 2016, the Act amends the Resource Recovery and Conservation Act to allow states to directly oversee and enforce CCR unit compliance, in a manner consistent with the U.S. Environmental Protection Agency's April 2015 final CCR rule (80 Fed. Reg. 21,302). ECOS long has supported states having such authority, and ECOS representatives have testified in both the Senate and House several times over the years on the importance of legislative action on the CCR issue. ECOS extends its deep appreciation to the Senators who led the effort to advance the Act. ECOS also thanks the state experts who offered their expertise and experience with CCR facilities to inform the process, and in particular our colleagues at the Association of State and Territorial Solid Waste Management Officials who were steadfastly dedicated to the issue."

December 5, 2017 – Senator Inhofe worked on a bipartisan basis with colleagues in the Senate and House to ensure the final deal on the Water Infrastructure Improvements for the Nation Act (WIIN Act) included compromise legislation negotiated by Senator Inhofe to authorize state permit programs for regulating coal combustion residuals from electric utilities. Senator Inhofe released the following statement:

"We're pleased that the final WIIN package builds off the Senate passed provision and provides the authority that states have been seeking to regulate coal ash through authorized state permit programs," the senators said. "This new permitting authority fixes the main problems with the recent coal ash regulation issued by the Environmental Protection Agency, by removing citizen suits as the sole means of enforcement and allowing states to tailor permit requirements on a case-by-case basis. We're happy

that we were able to work with our colleagues in the House and Senate on a bipartisan basis to get this important legislation across the finish line.”

December 9, 2016 – By a vote of 78 to 21, the Senate passed the Water Infrastructure Improvements for the Nation Act (WIIN Act), which included compromise legislation negotiated by Senator Inhofe to authorize state permit programs to regulate coal combustion residuals. Senator Inhofe released the following statement:

“I am pleased that the WIIN Act has crossed the finish line with strong, bipartisan support,” Inhofe said. “This bill – soon to be law – fulfills many important Oklahoma priorities. It helps Oklahoma rural electric cooperatives and the families they serve by returning the regulation of coal combustion residuals to states.”

The inclusion of the coal ash legislation in the WIIN Act garnered broad support from the utility sector:

“Public Service Company of Oklahoma and American Electric Power strongly support the water resources bill, and appreciate Senator Inhofe’s strong leadership in its passage. In particular, we applaud the Senator’s efforts on a provision in the WIIN bill that solves the major shortcomings of current federal regulation of coal combustion residuals (CCRs), by giving states the primary authority over CCRs through state permit programs,” said Stuart Solomon, president and COO of the Public Service Company of Oklahoma.

“EEI thanks Senator Inhofe for his leadership in completing the water resources bill, which contains critically important provisions for the safe management of coal ash. As the EPA’s coal ash regulation goes into effect and our industry begins to close coal ash basins, these legislative provisions will enable states to be more involved in the permitting process for the closure of basins. Permanently closing basins in a manner that puts safety first, protects the environment, and minimizes impacts to communities and customers is vitally important to our industry,” said Tom Kuhn, president of the Edison Electric Institute.

“America’s electric co-ops are extremely grateful to Chairman Inhofe for championing the WIIN Act, which will bolster co-ops’ efforts to provide affordable and reliable electricity to rural America. Because of his hard work, this bill promotes critical infrastructure projects pertaining to hydropower, flood control, water supply and emergency management. This bill is a win for America’s rural electric consumers, and we appreciate the chairman’s unwavering support for provisions that inject greatly needed certainty into the regulation of coal ash by giving states clear permitting authority and reducing litigation,” said Jim Matheson, CEO of NRECA.

“OG&E greatly appreciates Senator Inhofe’s leadership in including his coal ash provision in the ‘Water Infrastructure Improvements for the Nation Act’ conference report. His provision resolves a legislative stalemate to the satisfaction of both the electric industry and environmentalist community. The Inhofe provision brings legal certainty and predictability to the generation of electricity that will benefit Oklahoma electric customers, beneficial users of coal ash and the environment,” said Paul Renfrow, vice president of public affairs for OG&E Energy Corp.

December 16, 2016 -- The WIIN Act was signed into law (PL-114-322). Senator Inhofe’s Coal Ash provision is Section 2301.

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 6/22/2018 12:50:22 PM
To: Zumwalt, Bryan [Bryan_Zumwalt@americanchemistry.com]
Subject: FW: EPA Celebrates New Chemical Safety Milestones on 2nd Anniversary of Lautenberg Chemical Safety Act

I thought it was nice.

From: EPA Press Office [mailto:press=epa.gov@cmail19.com] **On Behalf Of** EPA Press Office
Sent: Friday, June 22, 2018 8:03 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: EPA Celebrates New Chemical Safety Milestones on 2nd Anniversary of Lautenberg Chemical Safety Act



U.S. ENVIRONMENTAL PROTECTION AGENCY

NEWS RELEASE

WWW.EPA.GOV/NEWSROOM

EPA Celebrates New Chemical Safety Milestones on 2nd Anniversary of Lautenberg Chemical Safety Act

The Agency will reduce animal testing, track mercury imports and manufacturing, and facilitate sharing of Confidential Business Information with emergency responders

WASHINGTON (June 22, 2018) — On the two-year anniversary of the Frank R. Lautenberg Chemical Safety for the 21st Century Act (Lautenberg Chemical Safety Act), the U.S. Environmental Protection Agency (EPA) announced that it has met its statutory responsibilities to release guidance and policy on confidential business information, a strategy to reduce animal testing, and a final mercury reporting rule.

“At this two-year milestone, I am proud to say that the Agency is delivering results and meeting the statutory responsibilities and deadlines of the new law,” said EPA Administrator Scott Pruitt. **“These actions will boost transparency and increase public confidence in chemical safety.”**

Under Administrator Pruitt, EPA has once again met the important deadlines set by the Lautenberg Chemical Safety Act, which amended the nation’s primary chemicals management law, the Toxic Substances Control Act (TSCA), by the Act’s June 22, 2018 deadline. The legislation received bipartisan support in the U.S. House of Representatives and the Senate, and provides significant new responsibilities and authorities to EPA to advance chemical safety.

EPA has completed the following milestones at this two-year anniversary:

- **Finalized strategy to reduce animal testing.** The strategy promotes the development and implementation of alternative test methods and strategies to reduce, refine, or replace vertebrate animal testing. It also incorporates input from public meetings and written comments. [Learn more.](#)
- **Final rule on reporting mercury manufacturing and imports.** The information collected through the new reporting requirements will be used to develop future inventories of mercury and mercury-containing product supply, use, and trade in the United States. [Learn more.](#)
- **Guidance for state, tribal, and local governments, and medical personnel and emergency responders on sharing confidential business information (CBI).** These guidances specify the process that will enable other governmental entities and medical and emergency personnel to request CBI information. [Learn more.](#)
- **Policy and procedures for assigning unique identifiers to better publicly track information on chemicals while protecting CBI.** An identifier will be applied to a substance, whose identity is protected as CBI, as well as to other related information or submissions concerning the same substance. This will allow the public to connect information related to the same substance, even while the specific identity is protected as confidential. [Learn more.](#)
- **Guidance on structurally descriptive generic names.** This guidance will allow EPA to share more information with the public about the structure of substances while protecting the confidential elements of the substance's specific chemical identity. TSCA Submitters claiming the specific chemical identity of a chemical substance as CBI are required to supply a structurally descriptive generic name that can be disclosed to the public. [Learn more.](#)

In addition to these two-year anniversary milestones, EPA has diligently worked to implement the first major update to an environmental statute in 20 years. Here are some highlights:

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[Read more about EPA's actions under the Lautenberg Chemical Safety Act.](#)



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Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 7/2/2018 2:23:07 PM
To: Brady.Dennis@washpost.com

Thanks for emailing. I think it's best to receive responses in a few ways.

Thanks for acknowledging my response. I need to change it slightly, "Committee counsel explicitly asked me at the beginning of the morning not to reveal what the Committee asked me about. I don't know if there's an obligation to follow that, but I intend to honor that request as long as Committee counsel honors it as well."

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency

Ex. 6

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 6/9/2018 5:00:10 PM
To: Lipton, Eric [lipton@nytimes.com]
CC: Lisa Friedman [lisa.friedman@nytimes.com]; Coral Davenport [coral.davenport@nytimes.com]
Subject: Re: Following up

You have a peculiar manner with someone who has offered to help you.

I'm not going to allow you to think you are creating a record of grievances without responding in kind in some way.

You've demonstrated an interest in writing about implementation of the Lautenberg Act. Not many writers do. That's delights me. I want to offer a perspective and background on how EPA is implementing that law especially coming up on its second anniversary.

You've already admitted you're writing unbalanced pieces. I would like to help with that. Anyone who's worked with me before knows I'm genuine in my offers.

However, this email demonstrates part of the problem just to be entirely honest. When we receive a list of a couple dozen questions we are asked to answer for a story we are likely not to respond. You know how many publications request information from us on a daily basis.

Additionally, we have experienced that we have even been asked to respond to those litany of questions within only a few hours and on a weekend.

Moreover, when we have responded question by question, which admittedly is rare, next to none of our responses are included in the story. I'm not exaggerating. Next to none. In fact, a question we received will become a statement in the story as if a fact with no evidence that the New York Times received a response from EPA. And I know you received the response.

But enough of exchanging complaints because when there's a problem, there's also likely fault on both sides in some way.

We may not accept the terms of your interviews such as talking to an extensive list of people in headquarters, RTP, or elsewhere because they likely believe their job doesn't involve that. However, I am glad to provide more information and individuals to speak to about Lautenberg Act implementation and maybe that can extend further to other matters.

You have to concede that at this point, and this applies to a number of publications, there is a point of diminishing returns. Writing another story on how EPA is screwing something up is met with, of course, from readers. People who are critics of EPA think, of course, when they read the story. People who are supporters of the EPA, also think, of course. Of course, the New York Times is writing that.

So here's a suggestion. On the 2nd anniversary of enactment of the Lautenberg Act on June 22 among the number of items EPA will release is a final alternative plan on animal testing which was specifically mandated in section 4 of new TSCA. EPA released a draft plan a few weeks ago. My suggestion is asking Senator Booker what he thinks about this development. He wrote that section in the Senate passed and conferenced bill. Ask HSUS what they think. Ask the chemical trades like ACC and SOCMA what they think. Ask other NGOs what they think. Ask manufacturers what they think. It may result in a surprising story for readers.

Thanks for the time the other day. I'll call you soon.

Ryan.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

On Jun 8, 2018, at 12:27 PM, Lipton, Eric <lipton@nytimes.com> wrote:

Hello Ryan

Thanks for the call this morning. I really appreciate you reaching out to me.

I want to say generally that I very much would appreciate being able to engage more with your people at the EPA, particularly on substantive policy pieces. The same for Coral and Lisa.

Being able to speak with EPA staff that really understand the issues and can explain the reasoning behind the actions you all are taking--I promise you, that would both serve your interests and my interests.

You all might think that when we come to you to ask questions, it is as if we already have reached out conclusions. Well, that is because we know (based on experience) that because we are not going to be able to speak to subject matter experts.

As getting one paragraph statements from Jahan really does not serve the EPA well. Not blaming Jahan. He must be overwhelmed. But if all we have is a short statement, it just reinforces any bias you might think exists in the story. As no one has been allowed to explain to us why you might think assumptions we have made are wrong.

Now, I am not going to say that the result will be stories that you want to cheer about. But I am pretty certain that the resulting stories will have more balance and EPA perspective in them. As I agree, we often are lacking that point of view. But it is not because we haven't tried to get the input. It is that we are not being allowed to get it.

There are a bunch of substantive policy stories that I think could really benefit from significant input from the agency, and not just from the most senior people, but letting us talk on the record with career folks who are actually on the front lines delivering on these efforts.

For example:

- 1) A story about your superfund efforts that my colleague Hiroko wants to do
- 2) A story about what you mean when you say cooperative federalism that has been on my list.

- 3) A story about how TSCA is actually being implemented and who some of the folks are that are implementing it that I want to do with Sheila Kaplan, our science reporter who specializes on such issues as well.
- 4) A story about the changes being on cost benefit analysis that Lisa is planning to do.

The TSCA story would have address head on how they are folks even inside the agency that are not happy about the way you all are revising the scope of the risk evaluation. But that same story would very much be enhanced by listening to and explaining to readers in some detail why there are senior people at the agency who really think public health is served by revising the scoping. We need to hear that and have it explained to us. And to do this TSCA story right, I would really want to be able to go to Research Triangle, for example, meet with some of the front line staff, talk to them on the record, and explain the complexity of the mission they are undertaking, why it is so important, and what the choices are they need to make, if they want to get these assessments done. That is the way the public can really understand what is going on with TSCA.

So I hope we can have this kind of a working relationship. We at The NYT do care a lot about these topics, every one of them. And we do want to try to help the American public understand these issues. But we cannot fully represent your point of view if we do not fully get your point of view.

One other point: if we are going to work with you to get this input, we really must demand that the agency does not try to counteract our pieces even before they are published by leaking to conservative media what we are working on. That has happened. It makes us less willing to come to you early in the reporting process to get input.

What I can promise you is that we are ready to listen and consider your arguments and incorporate those points into our stories.

We all look forward to working with you more, even if the environment here in DC make that difficult. Shared this email with Lisa and Coral before I am sending it, to get their input too. Cc-ing them both.

Eric

Eric Lipton
The New York Times
Washington Bureau

Ex. 6

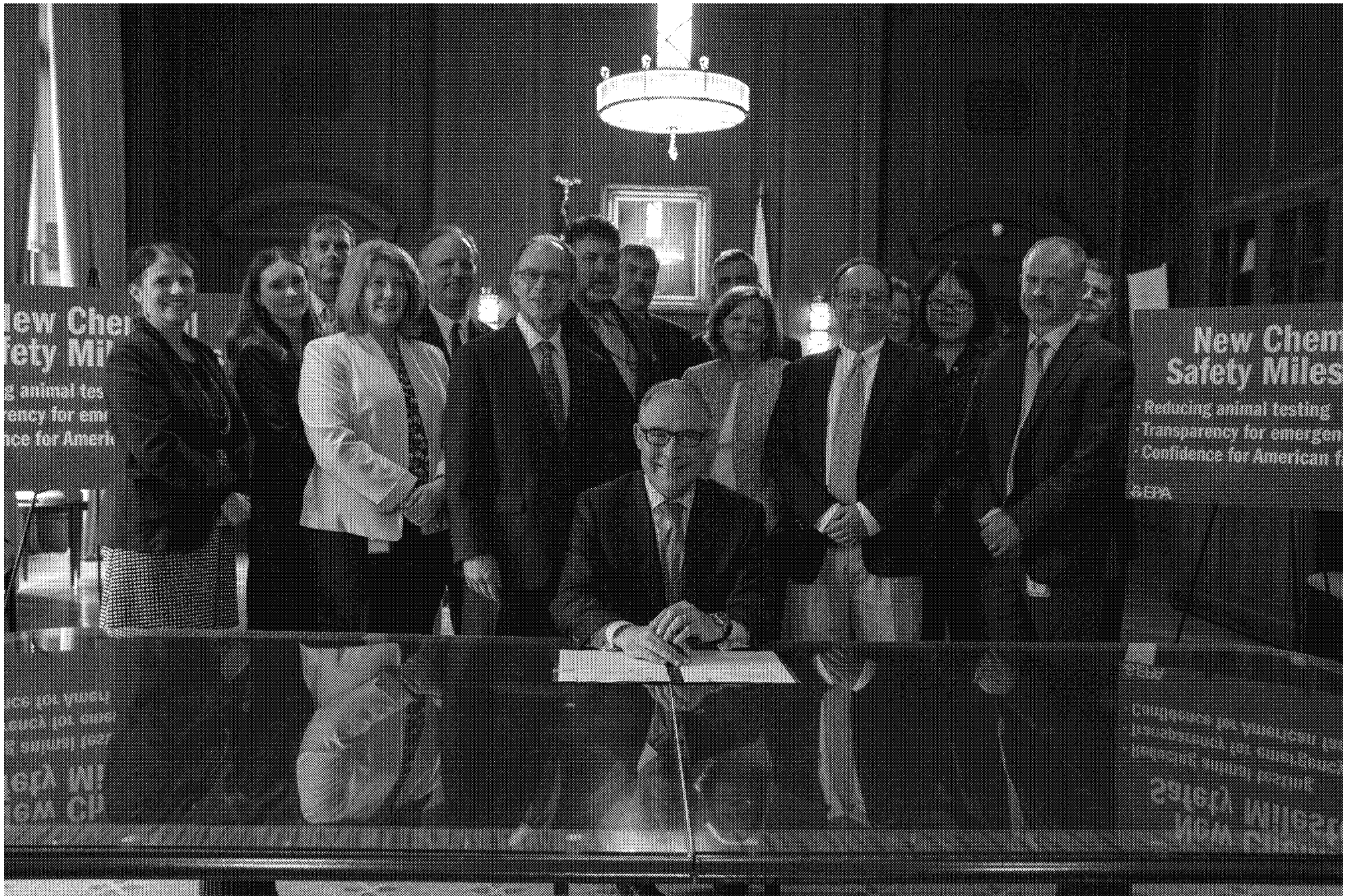
lipton@nytimes.com

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 6/22/2018 12:49:54 PM
To: Zipkin, Adam (Booker) [Adam_Zipkin@booker.senate.gov]
Subject: look at that chart...
Attachments: 42041289535_3278c55b6a_o.jpg

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency

Ex. 6



Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 6/7/2018 6:55:32 PM
To: Plack, Brendon (Thune) [Brendon_Plack@thune.senate.gov]
Subject: RE: Pruitt Visit to Sioux Falls

On it.

From: Plack, Brendon (Thune) [mailto:Brendon_Plack@thune.senate.gov]
Sent: Thursday, June 7, 2018 2:52 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: Pruitt Visit to Sioux Falls

Hey Ryan, We are starting to get some media inquiries on this visit. I'm concerned the reception will be mixed at best in the media. At the producer level, it will likely be worse.

From: Jackson, Ryan [mailto:jackson.ryan@epa.gov]
Sent: Wednesday, June 06, 2018 5:35 PM
To: Plack, Brendon (Thune)
Subject: RE: Pruitt Visit to Sioux Falls

We are trying to figure that out. It's a last minute deal. Literally started today.

From: Plack, Brendon (Thune) [mailto:Brendon_Plack@thune.senate.gov]
Sent: Wednesday, June 6, 2018 5:34 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Pruitt Visit to Sioux Falls

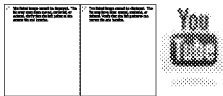
Hey Ryan, we have some constituents in Sioux Falls talking about a possible Pruitt visit next week to make a sorghum ethanol-related announcement. Any truth to that?

Thanks,
BP

Brendon Plack

Staff Director | Senate Republican Conference
Office of U.S. Senator John Thune
511 Dirksen Senate Office Building | Washington, DC 20510
Office: (202) 224-2321 | Fax: (202) 228-5429

Follow Senator Thune:



Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 6/7/2018 5:40:21 PM
To: mary.martin@mail.house.gov; Russell, Richard (EPW) [Richard_Russell@epw.senate.gov]; gregg_rickman@rounds.senate.gov; Marin, Mark [Mark.Marin@mail.house.gov]; dave.Lesstrang@mail.house.gov; Tomassi, Chris (Appropriations) [Chris_Tomassi@appro.senate.gov]
Subject: FW: EPA Administrator Pruitt Proposes Cost-Benefit Analysis Reform

Additionally, our press release which was just sent. Thanks again.

From: EPA Press Office [mailto:press=epa.gov@cmail20.com] **On Behalf Of** EPA Press Office
Sent: Thursday, June 7, 2018 1:38 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: EPA Administrator Pruitt Proposes Cost-Benefit Analysis Reform

EPA Administrator Pruitt Proposes Cost-Benefit Analysis Reform

WASHINGTON (June 7, 2018) - Today, the U.S. Environmental Protection Agency (EPA) issued an Advance Notice of Proposed Rulemaking (ANPRM) to announce that the Agency is soliciting public input on whether and how to change the way it considers costs and benefits in making regulatory decisions.

"Many have complained that the previous administration inflated the benefits and underestimated the costs of its regulations through questionable cost-benefit analysis," said EPA Administrator Scott Pruitt. **"This action is the next step toward providing clarity and real-world accuracy with respect to the impact of the Agency's decisions on the economy and the regulated community."**

Multiple EPA-related statutes refer to the calculation of costs and benefits, but implementation has been inconsistent. As a result, EPA has created a risk of uncertainty and confusion for states, local communities, and industry. EPA is now considering ways to codify common-sense, best practices for cost-benefit analysis in rulemaking.

Through the ANPRM, EPA will seek comments and input for the Agency to consider in developing any subsequent proposed rule. EPA will take comments on the ANPRM for 60 days after publication in the Federal Register.

Background:

Under the leadership of President Trump, EPA has taken steps to improve EPA's cost-benefit calculations. Consistent with the President's Executive Order 13783, EPA updated the social cost of carbon to reflect prior and best practices. While the Obama EPA estimated the social cost of carbon to be an average of \$36 per ton of carbon dioxide emitted, this EPA calculated an average of \$5 per ton.

EPA has also proposed a different approach to analyzing on co-benefits - benefits from reduced emissions of a pollutant that is not the actual target pollutant of a regulation. Particulate matter was the co-benefit most cited by the Obama EPA. In fact, particulate matter co-benefits accounted for more than 80% of the purported benefits of all of Obama's air rules. The Clean Power Plan (CPP), a rule aimed at carbon dioxide reductions, derived most of its benefits from a reduction in particulate matter. When EPA issued its proposed repeal of CPP, it provided a transparent account of the impact of the rule on the "targeted pollutant" - carbon dioxide.

Earlier this morning, the [Wall Street Journal](#) published an editorial on Administrator's Pruitt's efforts to "stop the EPA's numerical shenanigans" and reform cost-benefit analysis at the Agency.

For additional information: <https://www.epa.gov/environmental-economics/increasing-consistency-and-transparency-considering-costs-and-benefits>

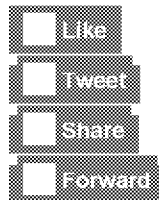
.....

Administrator Pruitt signs the cost-benefit ANPRM.

.....

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Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 6/20/2018 8:15:58 PM
To: Zahra Hirji [zahra.hirji@buzzfeed.com]
Subject: Re: Media Request: Question About Hotel Photos?

Yes, unfortunately those were pictures of where EPA politically appointed female officials had been placed while attending the Bonn COP. Needless to say I wasn't very pleased about it.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

On Jun 14, 2018, at 8:21 AM, Zahra Hirji <zahra.hirji@buzzfeed.com> wrote:

Dear Ryan Jackson,

I'm a reporter at BuzzFeed News covering the EPA. Going through one of the recent FOIA dumps, I saw that you had emailed Mandy Gunaekara on Nov 11, 2017 at 4:22 pm. The email subject head was: "Hotel Pics"; it included a series of (bizarre?) pictures. What's the deal with the photos?

Thanks,
Zahra Hirji

--

Zahra Hirji
Reporter
BuzzFeed News

Ex. 6

Zahra.Hirji@buzzfeed.com
@zhirji28

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 6/7/2018 5:35:32 PM
To: mary.martin@mail.house.gov; Russell, Richard (EPW) [Richard_Russell@epw.senate.gov]; Marin, Mark [Mark.Marin@mail.house.gov]; gregg_rickman@rounds.senate.gov; dave.Lesstrang@mail.house.gov; Tomassi, Chris (Appropriations) [Chris_Tomassi@appro.senate.gov]
Subject: announcement from today
Attachments: Increasing Consistency Transparency in Considering Costs Benefits in Rulemaking.pdf

<https://www.wsj.com/articles/cost-benefit-reform-at-the-epa-1528326402>

I thought I would provide you with the actual ANPRM and an editorial board piece from today's Wall Street Journal on an advanced notice of proposed rulemaking address EPA's cost/benefit for all rules. I thought it would provide some good oversight, and EPA would love to brief your committees and subcommittees on this.

Just let me know.

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency

Ex. 6

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Ch. I****[EPA-HQ-OA-2018-0107; FRL-XXXX]****RIN 2010-AA12****Increasing Consistency and Transparency in Considering Costs and Benefits in the Rulemaking Process****AGENCY:** Environmental Protection Agency (EPA)**ACTION:** Advance notice of proposed rulemaking.

SUMMARY: EPA promulgates regulations under authority provided in the federal environmental statutes such as the Clean Air Act (CAA), Clean Water Act (CWA), Safe Drinking Water Act (SDWA), and many others. Most statutory provisions require or allow some consideration of cost and benefits when setting pollution standards, but there is variation in terminology and specificity provided in each law regarding the nature and scope of the cost and benefit considerations. In this advance notice of proposed rulemaking (ANPRM), EPA is soliciting comment on whether and how EPA should promulgate regulations that provide a consistent and transparent interpretation relating to the consideration of weighing costs and benefits in making regulatory decisions in a manner consistent with applicable authorizing statutes. EPA is also soliciting comment on whether and how these regulations, if promulgated, could also prescribe specific analytic approaches to quantifying the costs and benefits of EPA regulations. This ANPRM does not propose any regulatory requirements.

DATES: Comments must be received on or before [INSERT DATE 30 DAYS FROM DATE OR PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Submit your comments, identified by Docket ID No. **EPA-HQ-OA-2018-0107** at <http://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT: For further information on this document, please contact Elizabeth Kopits, National Center for Environmental Economics, Office of Policy, 1200 Pennsylvania Avenue NW., Mail Code 1809T, Washington, DC 20460, Phone: (202) 566-2299; kopits.elizabeth@epa.gov.

SUPPLEMENTARY INFORMATION: This notice is organized as follows:

- I. Background
- II. Topics for Which EPA Is Seeking Input

- A. The nature of potential problems of inconsistency and lack of transparency
- B. Possible approaches for increasing consistency and transparency in considering costs and benefits in the rulemaking process
- C. Potential for issuing regulations to govern EPA's approach in future rulemakings

III. Statutory and Executive Order Review

I. Background

EPA promulgates regulations to protect public health and the environment under authority provided in the federal environmental statutes that it implements, such as the CAA, CWA, SDWA, and many others. The specific authorities given to the Administrator are established in various sections and subsections of each statute, which range from broad authority (e.g., to protect public health with an adequate margin of safety) to detailed requirements that specify standards or require that standards be at least as stringent as the best controlled similar source. In addition to legislative direction, regulatory agencies also take direction from the President and the Office of Management and Budget within the Executive Office of the President regarding what type of formal regulatory evaluation should be performed during rulemaking. For decades, Presidents have issued orders providing instruction to agencies concerning the consideration of benefits and costs in regulatory analysis.¹ Executive Order 12866, *Regulatory Planning and Review*, requires an assessment of benefits and costs for all significant regulatory actions — with benefits and costs expressed in quantitative terms to the extent feasible — and instructs agencies

¹ This became more formalized in 1981 with Executive Order 12291 which required executive agencies to perform a cost-benefit analysis for all major rules and centralized the regulatory review process by directing the Office of Management and Budget (OMB) to serve as a central clearinghouse for the review of agency regulations.

that, to the extent permitted by law, regulatory actions should have benefits that justify their costs (58 FR 51735, October 4, 1993).²

OMB's *Circular A-4*³ and EPA's *Guidelines for Preparing Economic Analyses*⁴ provides the Agency with peer-reviewed guidance on how to conduct the analysis of regulatory actions to comply with E.O. 12866 and other executive orders and statutory requirements (e.g., Small Business Regulatory Enforcement Fairness Act of 1996 considerations). EPA's *Guidelines* establish a scientific framework for analyzing the benefits, costs, and economic impacts of regulations and policies, including assessing the distribution of costs and benefits among various segments of the population. They incorporate recent advances in theoretical and applied work in the field of environmental economics.⁵ In this ANPRM, EPA is taking comment on the role that regulatory analysis or aspects of that analysis play in decision making consistent with statutory direction, not what these existing guidance documents recommend about how best to conduct the underlying analysis of regulatory actions.

Most statutory provisions require or allow some consideration of cost and benefits when setting regulatory standards to achieve public health and environmental benefits, but there can be a significant variation in terminology and specificity provided in each law regarding the nature and scope of cost and benefit considerations. For example, Section 301 of the CWA instructs the Administrator to select the "best available technology economically achievable" (33 U.S.C.

² Over the past decade, the estimated costs and benefits resulting from EPA regulations have been the highest within the federal government. See Table I-1 of the Office of Information and Regulatory Affairs' (OIRA) 2017 Draft Report to Congress on the Benefits and Costs of Federal Regulations and Agency Compliance with Unfunded Mandates Reform Act.

³ <https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/circulars/A4/a-4.pdf>

⁴ <https://www.epa.gov/environmental-economics/guidelines-preparing-economic-analyses>

⁵ All chapters undergo an external peer review prior to finalization, either through the EPA's Science Advisory Board Environmental Economics Advisory Committee or through independent reviews by external experts. OMB's Circular A4 also underwent extensive review before being finalized. *Circular A-4* was subject to public comment, interagency review and external expert peer review.

1311(b)(2)(A)), and then requires EPA to take into account the cost of achieving effluent reductions when assessing best available technology (33 U.S.C. 1314(b)(2)(B)). Section 111 of the CAA, however, requires the Administrator to set “standards of performance” for reducing air pollution (42 U.S.C. 7411), defined as “the best system of emission reduction which (taking into account the cost of achieving such reduction and any non-air quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated” (42 U.S.C. 111(a)(1)). Other provisions may only implicitly direct EPA to consider costs, alone or in conjunction with benefits and other factors, or be silent on whether costs should or may be considered.

Virtually all environmental statutes leave the specifics on *how* costs and benefits are to be considered to EPA. The Agency interprets the terms used in the relevant statute and decides how best to weigh costs against benefits and other factors in making regulatory decisions. A few statutory provisions require that specific metrics (e.g., particular price changes) be included among the “costs” to be considered (see e.g., Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 6(b))⁶, but in most provisions “costs”, “economic factors”, and similar terms remain undefined and are included as one item of unspecified weight among a list of multiple factors that EPA is required to consider (e.g., CWA, 33 U.S.C. 304(b)(2)(B); CWA, 33 U.S.C. 1314(b)(2)(B); CAA, 42 U.S.C. 111(b)(1)(B) and 42 U.S.C. 111(a)(1)⁷). Even when Congress

⁶ FIFRA section 6(b) elaborates on the costs to be taken into account in cancellation of agricultural pesticide registrations by making clear that “the Administrator shall include among those factors to be taken into account the impact of the action proposed in such notice *on production and prices of agricultural commodities, retail food prices, and otherwise on the agricultural economy.*” (Emphasis added.)

⁷ CWA Section 304(b)(2)(B), 33 U.S.C. § 1314(b)(2)(B), states that “Factors relating to the assessment of best available technology shall take into account the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, *the cost of achieving* such effluent reduction, non-water quality environmental impact (including energy requirements), and such other factors as the Administrator deems appropriate.” (Emphasis added.) CAA Section 111(b)(1)(B), 42 U.S.C. § 7411(b)(1)(B), requires EPA to set standards of performance for certain categories of new stationary sources, where Section 111(a)(1), *id.* § 7411(a)(1), defines “standard of performance” as “a standard for emissions of air

does include statutory language to indicate how EPA should weigh cost considerations against benefits and other relevant factors, there is considerable variation in the language used and the statutory instruction provides little, if any, direction on what constitutes “appropriate consideration”, “reasonableness”, “practicable”, “achievable”, a “feasible” threshold, and related terms.

This has resulted in a variety of concepts of ‘costs’ that may be considered across statutes and even under the same statute. These concepts include many different metrics that estimate financial impacts to the regulated entity, e.g., direct costs for compliance activities incurred by a regulated entity, compliance cost per ton of pollutant reduced, the number of regulated facilities that may go out of business as a result of the proposed regulation, or compliance cost as a percent of firm revenues. EPA’s Regulatory Impact Analyses (RIAs), as guided by its *Economic Guidelines*, typically also quantify the standard economic measure of cost used in benefit-cost analysis –i.e., the broader concept of the “social cost” of the regulation (the sum of all opportunity costs incurred as a result of a regulation) – and ultimately reach an estimate of “net benefits” (social benefits minus social costs).

For many of EPA’s regulatory programs, the courts have weighed in on the scope of costs to be considered during the development of a regulation. For example, in *Michigan v. EPA*, 135 S. Ct. 2699, 192 L.Ed.2d 674 (2015), the Supreme Court held that EPA is required to consider costs when determining whether it is “appropriate and necessary” to regulate power plants under CAA section 112 (42 U.S.C. 7412(n)(1)(A)), and indicated that “cost” can extend well beyond

pollutants which reflects the degree of emission limitation achievable through the application of the best system of emission reduction which (*taking into account the cost of achieving such reduction and any nonair quality health and environmental impact and energy requirements*) the Administrator determines has been adequately demonstrated.” (Emphasis added.)

financial outlays by regulated entities to include all of the negative repercussions of this action, whether economic or otherwise (135 S. Ct. at 2707). Many court rulings acknowledge the discretion provided to the agency in how relevant factors are measured and weighed. For example, in 2009, the US Supreme Court ruled in *Entergy Corporation et al. v. Riverkeeper, Inc.* that EPA may use cost-benefit analysis in setting standards and issuing permits under Section 316(b) of the CWA.

Many technical and practical factors play a role in how EPA implements statutory instruction related to cost considerations in regulatory decisions. Any assessment of costs (and benefits) is limited by the state of scientific and economic modeling, quantification methods, and available data – all of which change over time and across industries and sectors of the economy. Similarly, statutory authority to collect information from regulated industries varies, and in some cases EPA may choose not to exercise that authority in order to reduce the costs of data collection to the regulated entity (relying instead on voluntary provision of information or publicly-available data, or simply doing without data where the burden appears to outweigh the data's anticipated utility). In these instances, EPA may be limited in what cost metrics can be used for a specific regulatory decision and may not be able to use identical cost considerations across rules. A lack of data and a lack of a regular process for ongoing or retrospective review after rules have been implemented⁸ also inhibits EPA's ability to gain insights about the realized costs and benefits of actions that may help inform how it considers costs and other factors in future rulemakings. Finally, industry or sector specific factors may play a role, as some metrics may be more or less

⁸ Many previous administrations have periodically undertaken programs of retrospective review or issued executive orders urging agencies to reassess existing regulations and eliminate, modify, or strengthen those regulations that have become outmoded in light of changed circumstances. Agencies are also subject to some limited regulatory lookback requirements mandated by statute, but for the most part retrospective review has not become institutionalized practice within EPA nor other regulatory agencies as has prospective review (such as ex ante benefit-cost analysis conducted under Executive Order 12866).

relevant to the affected industries, sectors, or question at hand. For example, potential plant closures is a metric sometimes used to measure a potential impact and inform stakeholders about regulatory actions on some industries (e.g., manufacturing industries dominated by privately-owned businesses), but this may not be an appropriate or viable measure of a potential financial impact for other types of regulated entities (e.g., some wastewater treatment plants, or electric power plants that are not otherwise economical must still operate to ensure adequate reliability of the system).

EPA regularly receives much public comment related to how costs and benefits are considered in decision making. On April 13, 2017, in accordance with Executive Order 13777, “Enforcing the Regulatory Reform Agenda,” EPA issued a request for comment on regulations that may be appropriate for repeal, replacement, or modification.⁹ While that solicitation was broad in scope and generated comments on a myriad of regulatory reform issues, one common theme in many industry comments related to how the Agency considers cost in developing its regulations. For example, some commenters argued that the approach of considering compliance cost divided by the total emission reductions (i.e., summing across pollutants) resulted in controls that appear cost-effective that may not have been deemed cost-effective if each pollutant was considered separately. Such a situation arose in in consideration of the best system of emissions reductions (BSER) for the Oil and Natural Gas NSPS (81 FR 35823, June 3, 2016). Other commenters argued in past rulemakings the Agency has justified the stringency of a standard based on the estimated benefits from reductions in pollutants not directly regulated by the action (i.e.,

⁹ See Federal Register notice: Evaluation of Existing Regulations (82 FR 17793). The comment period closed on May 15, 2017 and EPA received over 460,000 comments. All public comments are accessible online in our docket on the Regulations.gov website identified by Docket ID No. EPA-HQ-OA-2017-0190.

“ancillary benefits” or “co-benefits”).¹⁰ For example, in the Mercury and Air Toxics Standards (MATS) rule (77 FR 9304, February 16, 2012), the monetized benefits from one of the pollutants being directly regulated (i.e., mercury) were significantly lower than the estimated costs of the rule, and the quantified benefits in the regulatory impact analysis outweighed the costs because of the benefits from reductions in ambient fine particulate matter (82 FR 16736, April 6, 2017). Similar criticisms have been made regarding the extent to which EPA has considered key uncertainties, baseline assumptions, and other analytical factors in quantifying both benefits and costs relevant to decision making.

The purpose of this ANPRM is to request more information about the nature and extent of issues raised by stakeholders regarding EPA practices in considering costs and benefits in the rulemaking process, and to solicit comment on potential approaches that would provide improved consistency and transparency. EPA specifically seeks comment on whether, and if so, how EPA should promulgate regulations that specify how the Agency will approach its consideration of costs and benefits in setting pollution standards, consistent with statutory direction.

II. Topics for Which EPA Is Seeking Input

¹⁰ OMB Circular A-4 defines ancillary benefit as “a favorable impact of the rule that is typically unrelated or secondary to the statutory purpose of the rulemaking (e.g., reduced refinery emissions due to more stringent fuel economy standards for light trucks) while a countervailing risk is an adverse economic, health, safety, or environmental consequence that occurs due to a rule and is not already accounted for in the direct cost of the rule (e.g., adverse safety impacts from more stringent fuel-economy standards for light trucks). You should begin by considering and perhaps listing the possible ancillary benefits and countervailing risks.... Analytic priority should be given to those ancillary benefits and countervailing risks that are important enough to potentially change the rank ordering of the main alternatives in the analysis. In some cases the mere consideration of these secondary effects may help in the generation of a superior regulatory alternative with strong ancillary benefits and fewer countervailing risks.... Like other benefits and costs, an effort should be made to quantify and monetize ancillary benefits and countervailing risks.” (OMB 2003).

EPA is requesting comments regarding perceived inconsistency and lack of transparency in how the Agency considers costs and benefits in rulemaking, potential approaches for addressing these concerns, and the scope for issuing regulations to govern EPA's approach in future rulemakings. Questions pertaining to each of these topics are provided below. EPA invites comments on all aspects of this ANPRM. Comments should provide enough detail and contain sufficient supporting information (e.g., citations to published studies and or data related to your comments) in order for the Agency to understand the issues raised and give them the fullest consideration.

A. The nature of potential concerns regarding perceived inconsistency and lack of transparency

EPA requests more information about the nature and extent of the concerns relating to possible inconsistency and lack of transparency in considering costs and benefits in the rulemaking process. The most helpful comments would provide specific examples with context and specify relevant statutory provisions. What impact could greater consistency or transparency have on regulated entities, states, tribes, and localities, and the public?

B. Potential approaches for increasing consistency and transparency in considering costs and benefits in the rulemaking process

EPA requests comment on approaches for increasing consistency and transparency when and how EPA considers cost and benefits in setting pollution standards, consistent with statutory direction.

1. What would increased consistency look like?

- a. Given statutory constraints, how could EPA more consistently adhere to existing guidance on benefit-cost analysis principles, definitions and analytical techniques whether across the entire agency or specific programs? For example, to what extent, if any, should EPA develop a regulatory action that commits the Agency to following its existing peer-reviewed guidance documents on risk assessment¹¹ and *Guidelines for Preparing Economic Analysis*¹² when developing future rulemakings?
- b. Should EPA consider adopting uniform definitions of specific terms used in statutes – e.g., “cost,” “benefit,” “economic factors,” “reasonable,” “appropriate,” and “weight of scientific evidence” - and specifying ex ante how they will be factored into subsequent regulatory decisions?” How should EPA approach the scope of the uniformity of these definitions (e.g., within a particular regulatory program; within statute; across statutes)?
- c. To what extent should standard benefit-cost analysis principles (e.g., setting a standard to maximize net benefits) guide the selection of specific statutorily required metrics and thresholds (e.g., “reasonableness”) against which to measure the effects of a proposed regulation?
- d. What improvements would result from a general rule that specifies how the Agency will factor the outcomes or key elements of the benefit-cost analysis into future decision making? For example, to what extent should EPA develop a general rule on how the Agency will weigh the benefits from reductions in pollutants that were not directly regulated (often called “co-benefits” or “ancillary

¹¹ <https://www.epa.gov/risk/risk-assessment-guidelines>

¹² <https://www.epa.gov/environmental-economics/guidelines-preparing-economic-analyses>.

benefits”) or how it will weigh key analytical issues (e.g., uncertainty, baseline assumptions, limited environmental modeling, treatment of regulating multiple pollutants within one regulatory action) when deciding the stringency of future regulations? In addition, frequently scientific understanding is not adequate either to quantify or to monetize the effects of some pollutants or other impacts. How should these potentially important but non-quantified and/or non-monetized effects be included in decision making?

- e. To what extent would it be helpful for EPA to require consideration of cumulative regulatory costs and benefits of multiple regulations during the rulemaking process, including how such consideration may affect the design or implementation of a regulation (i.e., longer or different compliance timeframes)?

2. What would improved transparency look like?

- a. How might the documentation of how EPA considered costs and benefits in a regulatory decision be improved from current practices?
- b. In what ways can EPA increase transparency about the decision-making process in cases where the decision was based on information that is barred from release by law?

3. To what extent would requiring a systematic retrospective review element in new regulations help to provide ongoing consistency and transparency in how regulatory decision making will adapt over time to new information? Such a requirement might

provide a more regular and systematic approach to ex-post (i.e. after regulations have been promulgated and become effective) evaluation of the costs and benefits of EPA regulations, as compared with the periodic regulatory reviews the EPA has historically conducted.¹³ This might help identify needed revisions, inform future regulatory approaches, and improve methods of ex ante analysis.

- a. What are the opportunities and challenges associated with issuing regulations to require retrospective analysis and the concomitant need to collect data in order to conduct a meaningful retrospective analysis? Would it be more challenging under some provisions of key environmental statutes? If so, which ones?
- b. What criteria should EPA use to determine when retrospective review is needed? For example, should selection criteria be tied to the estimated impacts of the regulation, the degree of uncertainty at the time of ex ante analysis, the extent to which retrospective analysis will be feasible/successful?
- c. How specific should prospective plans for such a review be? For example, should plans specify the methodology that will be used, the coverage or scope of the analysis, the data that will be used and data collection plans?

C. Potential for issuing regulations to govern EPA's approach in future rulemakings

EPA requests comment on opportunities and challenges associated with promulgating regulations to govern EPA's approach to cost and benefit considerations in future rulemakings. EPA is soliciting comment on whether and how best to develop such regulations.

¹³ It would also supplement existing statutory requirements for periodic review of the adequacy of standards or guidelines (e.g., CAA 42 U.S.C. §109(d)(1); CWA 33 U.S.C. §304(b)).

1. What are the most pressing economic or legal considerations that should be taken into account when deciding the appropriate level of specificity (all activities, by statute, by specific statutory provision) at which to formulate regulations?
2. What are the opportunities and challenges with issuing regulations to govern EPA's practice when statutory provisions do not mention costs or imply these are factors to be considered alongside benefits and other factors when setting pollution standards?
3. How can EPA best promote more consistency and predictability while still leaving room for consideration of regulatory context and for flexibility to adapt to new information and methodological advances?
4. In cases where current EPA practice reflects prior judicial decisions, a change in course may come with significant burden to the Agency. Is there a way to address this concern in regulations governing the consideration of costs and benefits?
5. Are there ways to improve consistency and transparency using methods other than a regulatory approach (e.g., additional guidance)? What are the opportunities and challenges associated with these approaches?
6. Are any of the opportunities and challenges identified above specific to a particular statute or statutes? If so, please provide examples.

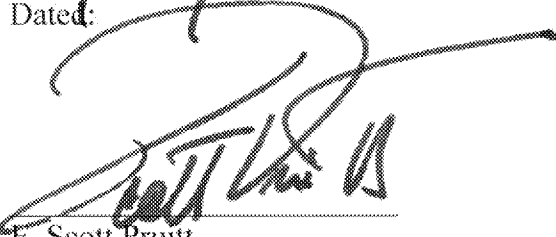
III. Statutory and Executive Order Reviews

Under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993), this is a "significant regulatory action" because the action raises novel legal or policy issues. Accordingly, EPA has submitted this action to the Office of Management and Budget

Increasing Consistency and Transparency in Considering Costs and Benefits in the Rulemaking Process

ANPRM Page 15 of 15

(OMB) for review under Executive Order 12866 and any changes made in response to OMB recommendations have been documented in the docket for this action. Because this action does not propose or impose any requirements, and instead seeks comments and suggestions for the agency to consider in possibly developing a subsequent proposed rule, the various statutes and Executive Orders that normally apply to rulemaking do not apply in this case. Should EPA subsequently determine to pursue a rulemaking, EPA will address the statutes and Executive Orders as applicable to that rulemaking.

6/7/2018
Dated: 
E. Scott Pruitt,
Administrator.

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 5/28/2018 1:52:25 PM
To: luke_holland@inhofe.senate.gov; wendi_price@inhofe.senate.gov
Attachments: IMG_0040.JPG; ATT00001.txt

Could I get one of these for Holly Greaves and Andy?

Senate of the United States

An Executive Session

January 17, 2017

Resolved, That the Senate advise and consent to the following nominations:
The following cabinet position to be Administrator of the Environmental

Protection Agency

Scott Pruitt
of Oklahoma

Test:

John E. Adams
Secretary

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 6/4/2018 4:58:27 PM
To: Russell, Richard (EPW) [Richard_Russell@epw.senate.gov]; Memmott, Justin (EPW) [Justin_Memmott@epw.senate.gov]
CC: Frye, Tony (Robert) [frye.robert@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Palich, Christian [palich.christian@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]
Subject: RE: RFS Briefing

We aren't able to do that because this is the White House's announcement. We can provide a briefing for any and all interested staff as soon after as we can. Ultimately the vehicle is a rulemaking proposed and open to the same public comment as any other rule.

From: Russell, Richard (EPW) [mailto:Richard_Russell@epw.senate.gov]
Sent: Monday, June 4, 2018 12:24 PM
To: Memmott, Justin (EPW) <Justin_Memmott@epw.senate.gov>
Cc: Frye, Tony (Robert) <frye.robert@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Re: RFS Briefing

Yes. We need to know before the announcement.

Richard Russell
Staff Director
Committee on Environment & Public Works

On Jun 4, 2018, at 12:20 PM, Memmott, Justin (EPW) <Justin_Memmott@epw.senate.gov> wrote:

We'd like to have the call before the public announcement.

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Monday, June 4, 2018 12:17 PM
To: Memmott, Justin (EPW) <Justin_Memmott@epw.senate.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Russell, Richard (EPW) <Richard_Russell@epw.senate.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: RFS Briefing

As of right now, it is unclear on exact timing. Let's move the call to Wednesday to make sure we don't get ahead of the announcement.

Tony Frye
Special Assistant
Office of Congressional & Intergovernmental Affairs
Environmental Protection Agency
Phone: 202.564.0640

Ex. 6

From: Memmott, Justin (EPW) [mailto:Justin_Memmott@epw.senate.gov]
Sent: Monday, June 4, 2018 11:33 AM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Russell, Richard (EPW) <Richard_Russell@epw.senate.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Re: RFS Briefing

Would the conference call happen before the announcement to the public?

On Jun 4, 2018, at 10:52 AM, Frye, Tony (Robert) <frye.robert@epa.gov> wrote:

Let's go with 4pm and use the following conference line. Let me know if anything pops up in the interim.

Best,
Tony

Conference phone number:

Conference ID:

Ex. 6

Tony Frye
Special Assistant
Office of Congressional & Intergovernmental Affairs
Environmental Protection Agency
Phone: 202.564.0640

Ex. 6

From: Lyons, Troy
Sent: Monday, June 4, 2018 10:29 AM
To: Memmott, Justin (EPW) <Justin_Memmott@epw.senate.gov>; Russell, Richard (EPW) <Richard_Russell@epw.senate.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: RFS Briefing

Tony and Alex—please work to find a time that works for both sides.

From: Memmott, Justin (EPW) [mailto:Justin_Memmott@epw.senate.gov]
Sent: Monday, June 4, 2018 10:21 AM
To: Russell, Richard (EPW) <Richard_Russell@epw.senate.gov>; Lyons, Troy <lyons.troy@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: RFS Briefing

I'm free all morning and afternoon.
I'm just booked from 3 to 330 pm.

From: Russell, Richard (EPW)
Sent: Monday, June 4, 2018 10:17 AM
To: Lyons, Troy <lyons.troy@epa.gov>; Memmott, Justin (EPW) <Justin_Memmott@epw.senate.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: RFS Briefing

We would like that.

Justin – What time works?

Richard M. Russell
Staff Director
Senate Committee on Environment and Public Works
202 224-6176

From: Lyons, Troy <lyons.troy@epa.gov>
Sent: Monday, June 4, 2018 10:15 AM
To: Russell, Richard (EPW) <Richard_Russell@epw.senate.gov>; Memmott, Justin (EPW) <Justin_Memmott@epw.senate.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RFS Briefing
Importance: High

Richard, Justin

As you may have seen, today the White House is scheduled to announce a compromise on the RFS. Given the timing of this announcement, we would like to offer to provide the committee with a phone briefing. Please let us know if you all would like to take us up on this offer. We will defer to you as to how you want to invite the minority to participate.

Many thanks,

Troy

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency

Ex. 6

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 5/25/2018 3:39:35 PM
To: **Ex. 6 - Personal Email**
CC: Munoz, Charles [munoz.charles@epa.gov]; Shimmin, Kaitlyn [shimmin.kaitlyn@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]

Ex. 6 It's a little slow today at the Presidential Personnel Office, although I'm glad Justina has initially reached out to you.

We'll get back into this early next week, and get you vetted through PPO so we can move further.

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency

Ex. 6

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 6/14/2018 7:54:10 PM
To: Molly Ramoska [molly.ramoska@laredopetro.com]
Subject: RE: Contact Information Update Request – Randy Foutch

Yes, thanks.

From: Molly Ramoska [mailto:molly.ramoska@laredopetro.com]
Sent: Thursday, June 14, 2018 3:53 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Contact Information Update Request – Randy Foutch

Hello Mr. Jackson,

My name is Molly and I am contacting you on behalf of Randy Foutch at Laredo Petroleum. Randy is updating his contact list and wants to be sure we have your correct contact information.

Please let me know if this email address is still the best way for you to be reached.

Thank you,

Molly Ramoska

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 6/7/2018 4:42:09 PM
To: Lachlan Markay [lachlan.markay@thedailybeast.com]
CC: Wilcox, Jahan [wilcox.jahan@epa.gov]
Subject: Ex. 6

EPA didn't hire Ex. 6 I might have had two conversations with him. They were months ago. We haven't worked with Ex. 6 either.

From: Lachlan Markay [mailto:lachlan.markay@thedailybeast.com]
Sent: Thursday, June 7, 2018 12:19 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Ex. 6

Hey Ryan, Lachlan at the Daily Beast here. Jahan suggested I touch base directly.

I'm hoping to get more info on your/EPA's work with Ex. 6 of the company Ex. 6 I noticed in some of these FOIA'd emails that you guys met about a potential position at EPA, and that he followed up about getting a security clearance.

Just wondering if he ended up being hired, and if so, what the nature of his work was/is.

Thanks,

Lachlan

--

Lachlan Markay
The Daily Beast
Ex. 6

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 5/21/2018 1:23:46 PM
To: Russell, Richard (EPW) [Richard_Russell@epw.senate.gov]
Subject: RE:

Sure, but the reason why I ask is wanting to get hearing behind the two EPA nominees so they can begin. It would be great to have a number of nominees at the table, but if that can't happen can we hold a hearing after recess?

From: Russell, Richard (EPW) [mailto:Richard_Russell@epw.senate.gov]
Sent: Saturday, May 19, 2018 1:46 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Re:

Thanks. Helpful.

Richard Russell
Staff Director
Committee on Environment & Public Works

On May 19, 2018, at 11:40 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

So I was talking with PPO yesterday on a number of things and took the opportunity to ask about the two or three DOI nominees and their timing. PPO advised me that they would not be announced until after August.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

On May 17, 2018, at 8:28 PM, Russell, Richard (EPW) <Richard_Russell@epw.senate.gov> wrote:

No. We are doing water infrastructure next week.

Richard Russell
Staff Director
Committee on Environment & Public Works

On May 17, 2018, at 8:03 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Any new word on a hearing date? May 23?

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 6/4/2018 12:50:56 AM
To: Russell, Richard (EPW) [Richard_Russell@epw.senate.gov]
CC: Palich, Christian [palich.christian@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]
Subject: Re: FWhite House Is Said to Announce Compromise on Biofuel Changes

Yes.

RVP, RINS credit for exports, redistribution of small refinery exemptions among annual RVOs prospectively.

All in one rule making that EPA will propose and go through the usual process.

The White House plans to really highlight this in two press releases going out Monday.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

On Jun 3, 2018, at 5:45 PM, Russell, Richard (EPW) <Richard_Russell@epw.senate.gov> wrote:

<https://www.bloomberg.com/news/articles/2018-06-02/white-house-is-said-to-announce-compromise-on-biofuel-changes>

Is anything coming out on Monday?

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 5/27/2018 10:26:59 PM
To: [REDACTED] **Ex. 6 - Personal Email**
Subject: Re: [REDACTED] **Ex. 6** Resume

Thanks again. I'll be back in touch soon.

Ryan Jackson
Chief of Staff
U.S. EPA

[REDACTED] **Ex. 6**

On May 24, 2018, at 10:40 AM, [REDACTED] **Ex. 6 - Personal Email** wrote:

Dear Ryan,

I hope this finds you well. I realized that I sent my resume to the wrong address (.org instead of .gov). My apologies.

I thoroughly enjoyed speaking with you. Through my experience in government and in high-profile private sector organizations, I believe I can help meet your communications challenges.

If there's anything else you need, please let me know.

Thank you, [REDACTED] **Ex. 6**

Begin forwarded message:

From: [REDACTED] **Ex. 6 - Personal Email**
Date: May 10, 2018 at 6:50:42 PM EDT
To: jackson.ryan@epa.org
Subject: [REDACTED] **Ex. 6** Resume

Dear Ryan,

It was a pleasure to meet you over the phone, and I look forward to speaking in person tomorrow. Attached please find my resume as discussed.

See you tomorrow at 11:30 am.

If you need anything in the meantime, please let me know.

Kind regards, **Ex. 6**

Ex. 6 Resume 5-2018.pdf>

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 5/24/2018 12:12:20 PM
To: Zumwalt, Bryan [Bryan_Zumwalt@americanchemistry.com]; Baptist, Erik [baptist.erik@epa.gov]
CC: Dickerson, Aaron [dickerson.aaron@epa.gov]
Subject: RE: Meeting Request- next Thursday the 31st at 9 AM

Thank you. It's on our schedule.

-----Original Message-----

From: Zumwalt, Bryan [mailto:Bryan_Zumwalt@americanchemistry.com]
Sent: Thursday, May 24, 2018 8:11 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Meeting Request- next Thursday the 31st at 9 AM

Hello Ryan:

I hope all is well at EPA. Would like to request a meeting next Thursday, the 31st at 9 AM. I would like to bring in a small group of ACC staff to discuss regulatory issues including TSCA.

Hopefully you as well as appropriate EPA staff can join. Please let me know if you need anything else.

Thank you,
Bryan

Sent from my iPhone

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Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 5/10/2018 5:33:23 PM
To: Freedhoff, Michal (EPW) [Michal_Freedhoff@epw.senate.gov]
Subject: RE: quick follow up on MC

I understand. This, of course, is not true. Thanks for this.

From: Freedhoff, Michal (EPW) [mailto:Michal_Freedhoff@epw.senate.gov]
Sent: Thursday, May 10, 2018 12:56 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: quick follow up on MC

"EPA spokesman Jahan Wilcox said in a statement Wednesday that the agency was considering public comments on the proposed rule, meant to limit sales of methylene chloride to businesses with the training and equipment to handle it safely.

The people whose families you met with had all the right training and were still killed. And also, the proposed rule was NOT meant to do what Jahan said. The rule proposed the following:

EPA is proposing to prohibit the manufacture (including import), processing, and distribution in commerce of methylene chloride for consumer and most types of commercial paint and coating removal under section 6 of the Toxic Substances Control Act (TSCA). EPA is also proposing to prohibit the use of methylene chloride in these commercial uses; to require manufacturers (including importers), processors, and distributors, except for retailers, of methylene chloride for any use to provide downstream notification of these prohibitions throughout the supply chain; and to require recordkeeping. EPA is proposing an initial ten-year time-limited exemption from these proposed regulations on methylene chloride for coating removal uses critical for national security.

When we talked I know you said EPA would be finalizing what was proposed, and at the time, people were still tracking down exactly what was proposed for ban – I'm just flagging the Jahan statement, and noting that it has caused a lot of consternation that there could be a giant new loophole installed in the final rule.

Thanks
Michal

Michal Ilana Freedhoff, Ph.D.
Director of Oversight
Committee on Environment and Public Works Democratic Staff

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 5/23/2018 10:36:47 PM
To: Rick Dearborn [Ex. 6 - Personal Email]
Subject: RE: EPA Job

Thank you. We'll interview him. Ensure that he knows that this announcement is actually for a career job here instead of a political appointment. It doesn't matter, but full disclosure.

From: Rick Dearborn [mailto:radearborn1@gmail.com]
Sent: Wednesday, May 23, 2018 2:10 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Fwd: EPA Job

Ryan, I've known [Ex. 6] for over 20+ years. He's a top notch professional and really great guy. At a time when it's important to know who will work hard for you and be true, I believe [Ex. 6] could fit that bill.

Below and attached is his particular interest in job opportunity at EPA.

I believe he's worth your consideration.

Hope all is well with you my friend.

Let's find a time to grab drinks and cigars soon. I'm not a lobbyist. We have a preexisting relationship and I know you could use a drink.

Best,

RAD

Sent from my iPhone

Begin forwarded message:

From: [Ex. 6]
Date: May 23, 2018 at 12:26:38 PM EDT
To: "Rick Dearborn" [Ex. 6 - Personal Email]
Cc: [Ex. 6]
Subject: EPA Job

Rick

Thanks for the call earlier this morning.

As we discussed -- I would be grateful if you would ask your colleague at the EPA to add his assistance, on my behalf, so that I may secure the following job:

Job Title: **Director, Office of Regulatory Policy and Management**
Announcement Number: **RTP-SES-2018-008**

Some data points:

1. The job is open to "the public";
2. I have officially applied for position via the EPA's website; and,
3. Given my background, I believe that I am strongly qualified for the position.

I have attached: (a) my resume; (b) a cover letter; (c) the government's Qualifications Questionnaire; and, (d) the Job Listing.

I offer to speak with Ryan about the position via phone/SKYPE/personal meeting at his convenience.

I am ready to start serving my country!

Thanks again,

Regards

Ex. 6

----- Original Message -----

Subject: Re: EPA Job(s)

From: Rick Dearborn **Ex. 6 - Personal Email**

Date: Tue, May 22, 2018 12:31 pm

To: **Ex. 6**

Let's talk tomorrow. **Ex. 6**

Sent from my iPhone

On May 22, 2018, at 1:56 PM, **Ex. 6**

Ex. 6 wrote:

Rick

Can we talk later in the week about the EPA job -- can I do anything in the meantime?

Please advise.

Thank you.

<sigimg0>

Ex. 6

----- Original Message -----

Subject: Re: EPA Job(s)

From: Rick Dearborn **Ex. 6 - Personal Email**

Date: Thu, May 17, 2018 1:07 pm

To: **Ex. 6**

Get me a cover letter with your resume - I'm close with Pruitt's chief Ryan Jackson.....will get it to him, but you need to go ahead and apply so you're in their system....

RAD

On Thu, May 17, 2018 at 3:51 PM,

Ex. 6 wrote:

Rick

Let me dial it back. Of all of the jobs available in the federal public service (that are not appointed), these are the two jobs that would mean the most to me and for which I am qualified.

Both jobs are at the EPA.

I will "apply" via the on-line system, but would be most grateful if you would weigh in on the Office of the EPA Administrator (Scott Pruitt) to grease the wheel.

Thanks.

<sigimg0>

Ex. 6

----- Original Message -----

Subject: Re: KCA and WV Coal Association

From: Rick Dearborn [Ex. 6 - Personal Email]

Date: Thu, May 17, 2018 11:36 am

To: [Ex. 6]

I would if it were that simple, [Ex. 6] Not sure what's open, right this moment and there are actually many slots the Admin is choosing not to fill. The timeline to process folks coming on board is actually rather lengthy. However, like I shared earlier, I'm happy to forward your resume and a targeted cover letter on to PPO. That's the quickest way to start the ball rolling.

RAD

On Thu, May 17, 2018 at 2:28 PM,

[Ex. 6]

wrote:

Rick

In the meantime -- I still need to eat. Can you drop me into a specific job that you know is available (without much or any drama), please?

<sigimg0>

Ex. 6

----- Original Message -----

Subject: Re: KCA and WV Coal Association

From: Rick Dearborn

[Ex. 6 - Personal Email]

Date: Thu, May 17, 2018 11:18 am

To: [Ex. 6]

If they and you indeed have interest and could use my counsel and support, yes.

Sent from my iPhone

On May 17, 2018, at 2:05 PM,

Ex. 6

wrote:

Rick

Are you interested in seeking an engagement letter from the KCA+WVCA regarding our proposal? If they are ready to proceed to a MOU, that would seemingly be the moment to paper a consulting agreement with them.

<sigimg0>

Ex. 6

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 5/10/2018 9:04:08 PM
To: Annie Snider [asnider@politico.com]
CC: Wilcox, Jahan [wilcox.jahan@epa.gov]
Subject: RE: Politico inquiry: ATSDR study on PFAS

I don't think so because participants get apprehensive about that. However, that's above my pay grade. I think Jahan will have to answer that.

From: Annie Snider [mailto:asnider@politico.com]
Sent: Thursday, May 10, 2018 4:40 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: RE: Politico inquiry: ATSDR study on PFAS

Thanks. Will the event be open to press?

From: Jackson, Ryan [mailto:jackson.ryan@epa.gov]
Sent: Thursday, May 10, 2018 4:37 PM
To: Annie Snider <asnider@politico.com>
Cc: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: RE: Politico inquiry: ATSDR study on PFAS

Betsy Southerland has chosen to no longer work at EPA and be a detractor instead.

The organization of the summit is going very well, and Jahan can get more information from the Office of Water on the attendees. The OW specifically Peter Gravatt is coordinating the summit. There will be a series of panels and sessions to gather information from a variety of stakeholders most importantly including state government stakeholders so that we can determine the best next steps to be most responsive.

EPA has already launched more material two weeks ago on its website at: <https://www.epa.gov/pfas>

We take this initiative very seriously. Thank you actually for asking about it.

From: Annie Snider [mailto:asnider@politico.com]
Sent: Thursday, May 10, 2018 4:27 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: RE: Politico inquiry: ATSDR study on PFAS

Thanks, Ryan.

Would love to include any additional info about the summit in the story if y'all can get it to me in the next hour or so. On that point, Betsy Southerland told me that EPA will not be issuing any additional health advisories for PFAS chemicals, but will do toxicity values for GenX and perhaps a couple of others and then leave it to the states to take it from there. Can you confirm?

From: Jackson, Ryan [<mailto:jackson.ryan@epa.gov>]
Sent: Thursday, May 10, 2018 4:13 PM
To: Annie Snider <asnider@politico.com>
Cc: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: RE: Politico inquiry: ATSDR study on PFAS

Yes, but more importantly, I spoke with leadership at ATSDR about coordinating among EPA, HHS, and DOD. As you may know, EPA is holding a National Leadership Summit on Tuesday May 22 through 23 here in Washington to help contribute to a federal government wide approach to address PFAS issues which have been raised by local, state, and Congressional leaders. EPA is eager to participate in and contribute to a coordinated approach so each federal stakeholder is fully informed on what the other stakeholders concerns, roles, and expertise can contribute and to ensure that the federal government is responding in a uniform way to our local, state, and Congressional constituents and partners. We are also eager to provide you with more information about this event.

From: Annie Snider [<mailto:asnider@politico.com>]
Sent: Thursday, May 10, 2018 3:04 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Politico inquiry: ATSDR study on PFAS

Ryan, Annie Snider from Politico here. I'm working on a story about these emails about an ATSDR tox profile for PFOA and PFOS that was close to publication in January that raised alarms at the White House, EPA and DOD. They were part of that FOIA production to the Union of Concerned Scientists a couple of weeks ago.

I'm wondering if the call referenced here between you and HHS COS ever took place, and how else EPA weighed in. The tox profile never came out, but I know ATSDR isn't exactly known for its speed. I'm on my cell if you have a minute to chat: **Ex. 6**

Annie Snider
Reporter
POLITICO
asnider@politico.com

Ex. 6

@AnnElizabeth18

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 5/30/2018 1:06:11 PM
To: Lynn L. Bergeson [lbergeson@lawbc.com]
Subject: RE: Tomorrow

Yes, big thanks.

From: Lynn L. Bergeson [mailto:lbergeson@lawbc.com]
Sent: Wednesday, May 30, 2018 7:04 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Tomorrow

Morning Ryan,

Are we still on for 10:30 tomorrow?

LYNN L. BERGESON
MANAGING PARTNER
BERGESON & CAMPBELL PC
2200 Pennsylvania Avenue, N.W. Suite 100W | Washington, D.C. 20037

Ex. 6	F: 202-557-3836	Ex. 6	lawbc.com
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Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 5/22/2018 9:33:50 PM
To: Russell, Richard (EPW) [Richard_Russell@epw.senate.gov]
Subject: RE: We will shoot for June 20 for the EPA hearing (both noms)

Is there any way to have it sooner?

From: Russell, Richard (EPW) [mailto:Richard_Russell@epw.senate.gov]
Sent: Tuesday, May 22, 2018 5:04 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: We will shoot for June 20 for the EPA hearing (both noms)

hopefully

Richard M. Russell
Staff Director
Senate Committee on Environment and Public Works
202 224-6176

From: Jackson, Ryan <jackson.ryan@epa.gov>
Sent: Tuesday, May 22, 2018 5:03 PM
To: Russell, Richard (EPW) <Richard_Russell@epw.senate.gov>
Subject: RE: We will shoot for June 20 for the EPA hearing (both noms)

Will you report them out on the 27th?

From: Russell, Richard (EPW) [mailto:Richard_Russell@epw.senate.gov]
Sent: Tuesday, May 22, 2018 5:02 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: We will shoot for June 20 for the EPA hearing (both noms)

Richard M. Russell
Staff Director
Senate Committee on Environment and Public Works
202 224-6176

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 5/6/2018 2:53:59 PM
To: Joe Brazauskas [joseph.brazauskas@mail.house.gov]
Subject: EDDSUPP_0001-0017.pdf. Emails
Attachments: EDDSUPP_0001-0017.pdf; ATT00001.htm

Joe, it's taken me until now to find these emails because I couldn't remember who I sent it to and frankly what I asked for or how I asked for it.

Here's the infamous email chain which House Science Committee Democrats have really overblown in their press release. I wasn't sure you had been shown anything, but I feel sure your minority doesn't have the whole trail attached. I didn't know what to say at the time it was released because frankly I couldn't remember what I wrote. Scroll through this and it's two old buddies talking to each other trying to do some really preliminary due diligence on this Tulsa office issue because I was advised that Whitman used Edison from time to time and certainly more recently McCarthy used the Boston office. I was trying to see if these capabilities already existed in Tulsa not trying to install them all. I've known Jim for years and trust him to provide me straight information. He was a political appointee under Reagan. Sad he's retired. Just wanted you to see the actual conversation.

Ultimately we did and do have an office in Tulsa with a lease on a 350 sq foot space through 2022. We've had it since 2012. Even though we thought what capabilities may exist in the huge Corps facility in Tulsa we didn't pursue either. In fact, there was an additional 3,000 sq feet adjacent to the 350 sq ft space in the building in which we currently lease space. I didn't pursue leasing anymore space, and it ultimately simply wasn't needed to have any working space in Tulsa.

In short, this was my whole due diligence with the situation. Looked into an idea, checked out what options might exist for what might be needed, did it well before I got there to try to have one less thing to do, and decided not to pursue any of it. I mean sometimes that happens too.

Thought this would help and be interesting. It's entirely unredacted but I can't imagine much of it would need it. And I just wanted to provide it to you.

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 2/6/2017 1:31:34 PM
Subject: FW: Tulsa Office Space

From: Blizzard, James
Sent: Wednesday, February 01, 2017 8:43 AM
To: Reeder, John
Subject: RE: Tulsa Office Space

Just scoping it out.
Yes, I am in.

From: Reeder, John
Sent: Wednesday, February 01, 2017 8:41 AM
To: Blizzard, James <Blizzard.James@epa.gov>
Subject: RE: Tulsa Office Space

And we need to know who is representing Mr. Pruitt. Until he's actually confirmed, even working on this can be tricky.
Are you in the office today?

From: Blizzard, James
Sent: Wednesday, February 01, 2017 8:35 AM
To: Reeder, John <Reeder.John@epa.gov>
Subject: RE: Tulsa Office Space

I agree. I'll let you know who to connect with at GSA.

From: Reeder, John
Sent: Wednesday, February 01, 2017 8:33 AM
To: Blizzard, James <Blizzard.James@epa.gov>
Subject: RE: Tulsa Office Space

Jim,
I think it's time to bring in Donna Vizian and her team, especially since EPA will likely need to pay for such space.
GSA rents to agencies... doesn't provide without cost, at least based on anything I've heard before. This is moving quickly out of the OCIR realm.

Let me know if you agree and we can get them interfacing directly with OARM.

Thanks
JReeder

From: Blizzard, James
Sent: Wednesday, February 01, 2017 7:51 AM
To: Reeder, John <Reeder.John@epa.gov>

Subject: Tulsa Office Space

Based on my conversations with Mr. Pruitt's handlers, I have asked GSA to see if there is space in a Tulsa, OK federal building or facility consistent with the following personal, security, and IT parameters:

Mr. Pruitt is interested in a small space – lobby, conference room, personal office. 24-hour access. Garage parking preferred. He will travel with security detail and they will need appropriate space – whatever that is. He will need a secure cabinet or safe, a SCIF for classified communications/information – able to accommodate Presidential communications with cabinet-level officials. I would think a secure computer and phone is necessary, printer, dedicated fax, and the usual office equipment, such as the standard docking station and lap top.

I have indicated to GSA that if such space is identified, I would connect the proper GSA and EPA folks. I trust you will share this with the proper GSA folks. Thanks.

Jim Blizzard
Senior Policy Advisor
Office of Congressional Relations
U. S. Environmental Protection Agency
(202) 564-1695
blizzard.james@epa.gov

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 2/6/2017 1:30:42 PM
Subject: FW: Tulsa Office Space

From: Blizzard, James
Sent: Saturday, February 04, 2017 7:23 AM
To: Reeder, John
Subject: Tulsa Office Space

I am not working this any longer, but yesterday my contact at GSA said that there is one location that could be a possibility based on the stated requirements. It is about 40,000 sq. feet and could be cut down. It is in a GSA-leased building, as the federal building in Tulsa is full. The GSA regional folks are unaware at this point that Mr. Pruitt or EPA is the potential occupier of the space. Appropriate staff at EPA should contact Jim Weller, Region 7 GSA Commissioner for the Public Building Service. Number: 817-978-2522. E-mail: jim.weller@gsa.gov>

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 2/6/2017 1:15:48 PM
Subject: Tulsa Space

Ryan – heard from my GSA contact Friday night – the federal building is full, but they have identified space in a GSA-leased building that could work – fits most of the requirements – it is large - 40,000 sq. ft., but can be reconfigured. I sent John Reeder, acting chief of staff, the GSA Regional Commissioner contact info so he could get it to OARM folks. I hope they are following through, but I have no way of knowing.

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 2/1/2017 2:01:57 PM
Subject: FW: Tulsa Office Space

Wheels in motion - I have also let folks here (OARM, etc.) know, since other than my ask, I would be way out of my league and lane here

I'll keep you posted – let me know if there's anything else you need.

From: Blizzard, James
Sent: Wednesday, February 01, 2017 7:42 AM
To: 'saul.japson@gsa.gov'
Subject: Tulsa Office Space

Saul, based on our conversation, I can give you the following personal, security, and IT parameters for you to see if such space is available in a Tulsa federal building or facility. I appreciate your help. I would imagine that when there is some information from GSA, I would connect the proper folks at GSA with the proper folks here at EPA. Thanks for your help.

Mr. Pruitt is interested in a small space – lobby, conference room, personal office. 24-hour access. Garage parking preferred. He will travel with security detail and they will need appropriate space – whatever that is. He will need a secure cabinet or safe, a SCIF for classified communications/information – able to accommodate Presidential communications with cabinet-level officials. I would think a secure computer and phone is necessary, printer, dedicated fax, and the usual office equipment, such as the standard docking station and lap top.

Please let me know if you need anything else.

Jim Blizzard
Senior Policy Advisor
Office of Congressional Relations
U. S. Environmental Protection Agency
(202) 564-1695
blizzard.james@epa.gov

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 1/31/2017 6:04:13 PM
Subject: RE: Tulsa

Yes – I'll go back to GSA folks

From: Jackson, Ryan (Inhofe) [mailto:Ryan_Jackson@inhofe.senate.gov]
Sent: Tuesday, January 31, 2017 12:56 PM
To: Blizzard, James
Subject: RE: Tulsa

Yes, so a small space. Office for him, meeting room, lobby space but that's largely it I think. I don't envision after hours but I'm sure he would like 24 hour access. Parking in garage would be preferred since he does have a detail and the position is what it is.

He will always travel with OECA. They would need space, however, I'm not sure what to suggest. Simply something consistent with previous Administrators. He will need a SCIF in the event he is working on spill info or otherwise protected information. Of course when the President communicates with the Cabinet those communications are protected so we will need to be able to accommodate that. I think a secure computer and phone is necessary, printer, fax, and usual office equipment. I'm unsure about the docking station and lap top. Let's go with that set up because it seems more convenient to me.

Why are we worried about a line item in an appropriations bill? That's not a good idea and other EPA space around the country isn't listed in Interior Appropriations bills each year.

Much appreciated for this. Does this help?

From: Blizzard, James [mailto:Blizzard.James@epa.gov]
Sent: Tuesday, January 31, 2017 12:49 PM
To: Jackson, Ryan (Inhofe) <Ryan_Jackson@inhofe.senate.gov>
Subject: Tulsa

Spoke with guys at GSA – they indicate there is a federal building or facility there – the questions:

Personal

How much space is he looking for – one room? – anteroom? Private bathroom? After hours/weekend access? Parking in garage or open lot?

Security

Security detail with him? Do they need space? Safe or other secure cabinet? Secure room for classified information access?

IT

Secure computer? Secure phone? Computer requirements beyond standard lap top? Docking station? Monitor? Dedicated Fax? Printer?

They were going to check to see if the cost for the space would be rolled into EPA bill and not show as a specific line item. They thought these questions would be the same if we were to lease our own EPA space or whether we would come to some arrangement with another agency.

What would you like me to do?

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 1/31/2017 5:49:26 PM
Subject: Tulsa

Spoke with guys at GSA – they indicate there is a federal building or facility there – the questions:

Personal

How much space is he looking for – one room? – anteroom? Private bathroom? After hours/weekend access? Parking in garage or open lot?

Security

Security detail with him? Do they need space? Safe or other secure cabinet? Secure room for classified information access?

IT

Secure computer? Secure phone? Computer requirements beyond standard lap top? Docking station? Monitor? Dedicated Fax? Printer?

They were going to check to see if the cost for the space would be rolled into EPA bill and not show as a specific line item. They thought these questions would be the same if we were to lease our own EPA space or whether we would come to some arrangement with another agency.

What would you like me to do?

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 1/31/2017 1:51:08 PM
Subject: RE: Tulsa

Only if there's precedent – then 'acting' might be more inclined to move on it.

From: Jackson, Ryan (Inhofe) [mailto:Ryan_Jackson@inhofe.senate.gov]
Sent: Tuesday, January 31, 2017 8:45 AM
To: Blizzard, James
Subject: Re: Tulsa

Is it worth us talking to the OARM acting?

Ryan Jackson
Chief of Staff
U.S. Senator James M. Inhofe
205 Russell Senate Office Bldg.
Washington, D.C. 20510
(202) 224-4721

On Jan 31, 2017, at 8:38 AM, Blizzard, James <Blizzard.James@epa.gov> wrote:

I'll look for precedents and talk with GSA.
Alice Yates that used to be with Levin? I know her.

From: Jackson, Ryan (Inhofe) [mailto:Ryan_Jackson@inhofe.senate.gov]
Sent: Tuesday, January 31, 2017 8:37 AM
To: Blizzard, James <Blizzard.James@epa.gov>
Subject: Re: Tulsa

There's a big corps of engineers presence in Tulsa and BLM space downtown Tulsa. All my GSA contacts left at the end of obama administration. Not particularly that great except Alice Yates.

Ryan Jackson
Chief of Staff
U.S. Senator James M. Inhofe
205 Russell Senate Office Bldg.
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On Jan 31, 2017, at 8:32 AM, Blizzard, James <Blizzard.James@epa.gov> wrote:

With that I'll ask some more.

From: Jackson, Ryan (Inhofe) [mailto:Ryan_Jackson@inhofe.senate.gov]
Sent: Tuesday, January 31, 2017 8:02 AM
To: Blizzard, James <Blizzard.James@epa.gov>
Subject: Re: Tulsa

Yeah I agreed that gifted spaces are a problem. I'd rather keep it official and in some GSA space. He'll work from home for sure. Everyone does but I know he'll appreciate an actual office in Tulsa to take meetings.

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On Jan 31, 2017, at 7:54 AM, Blizzard, James <Blizzard.James@epa.gov> wrote:

Ryan – I've done some preliminary checking and it seems that as Administrator, the nature of the beast is that he is always working – never 'off-the-clock' so to speak. When he is at home in Tulsa, he can have (and I understand Gina had) an episodic telework agreement – that affords him the opportunity to work from home officially. I have attached my agreement so you can get an idea of the details.

If that is not the preferred option, let me know. Telework agreements do not have to be only at personal residences, but 'gifted' or 'donated' space could be an optics issue. We can investigate other Federal agencies with office space in Tulsa, or even Congressional space in Tulsa, such as Sen. Inhofe's district office, but I didn't want to wave that flag yet. Again, optics. But let me know.

Thx.

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Thx.

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 1/31/2017 1:32:11 PM
Subject: RE: Tulsa

With that I'll ask some more.

From: Jackson, Ryan (Inhofe) [mailto:Ryan_Jackson@inhofe.senate.gov]
Sent: Tuesday, January 31, 2017 8:02 AM
To: Blizzard, James
Subject: Re: Tulsa

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From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 1/31/2017 12:52:43 PM
Subject: Tulsa
Attachments: Untitled.msg

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Thx.

From: DC-WJCN-3443-M@epa.gov
To: Blizzard, James
Sent: 1/31/2017 12:47:41 PM
Subject:
Attachments: image2017-01-31-074741.pdf

FILE COPY

AFGE/EPA FLEXIPLACE APPLICATION FORM

Employee Name Jim Blizzard Telephone Ext. 564 Mailcode 1301A
Job Title/Series/Grade Team Ldr.
Division/Office OCIR
☒ New Request ☐ Change Request ☐ Annual Recertification

Ex. 6

Supervisor's Signature Mark Alborness Date 10-27-08
Approving Official's Signature Greg K. Hall Date 10-27-08

NOTE: A copy of this form should be maintained by the employee, the supervisor and a copy sent to the appropriate Flexiplace Coordinators.

Appendix (1)

Appendix (2)
EMPLOYEE SELF-CERTIFICATION SAFETY CHECKLIST

The following checklist is designed to assess the overall safety of the AWL and must be completed, signed and given to your supervisor with your application for the Flexiplace program.

	Yes	No	WA	Comments
1. Is the space free of asbestos material?	/			
2. If NO, is the asbestos undamaged and in good condition?	/			
3. Does the space appear to be free of indoor air quality problems?	/			
4. Is the work space free from excess now?	/			
5. Is water available and drinkable in the space?	/			
6. Is ventilation adequate?	/			
7. Is a bathroom available with hot and cold running water?	/			
8. Are there handrails for stairs with more than 3 steps?	/			
9. Are circuit breakers/fuses in the electrical panel labeled as to intended service?	/			
10. Do circuit breakers clearly indicate if they are opened or closed?	/			
11. Is electrical equipment free of recognized hazards that would cause physical harm (for example, frayed wires, bare conductors, loose wires, exposed wires fixed to the ceiling, a rat's nest of plugs in a single outlet and so on)?	/			
12. Will the building's electrical system permit the grounding of electrical equipment?	/			
13. Are aisles, doorways and corners free of obstructions to permit visibility and movement?	/			
14. Do file cabinets and storage closets open so they do not obstruct walkways?	/			
15. Do chairs have stable and secure wheels/casters?	/			
16. Are rungs and legs of chairs stable and sturdy?	/			
17. Are the phone lines, electrical cords and extension wires safely secured?	/			
18. Is the office free of combustible or materials?	/			
19. Is there adequate electrical lighting to accomplish the work assignments?	/			
20. Are floor surfaces clean, dry and level?	/			
21. Are carpets well secured to the floor and free of frayed or worn seams?	/			
22. Are there any other known safety issues that should be addressed for this work space?	/			

Signing this form does not guarantee that the AWL is hazard free, but does verify that the employee has made a reasonably careful inspection for potential hazards. Employees are responsible for informing their supervisors of any changes to their AWL which could impact on health and safety of the employee and others.

Employee's Signature

Date

11-27-08

Supervisor's Signature

Date

10-22-08

AFGE/EPA FLEXIPLACE WORK AGREEMENT

All terms set forth in the AFGE/EPA Flexiplace Agreement ("Flexiplace Agreement") are hereby incorporated by reference in this work agreement.

Name Jim Blizzard Mailcode 1301 A

1. Employee agrees to adhere to the AFGE/EPA Flexiplace Agreement. EPA, hereinafter referred to as Agency, concurs with employee participation and agrees to adhere to the AFGE/EPA Flexiplace Agreement.
2. Duty Station. All pay, special salary rates, leave and travel entitlements will be based on the employee's official duty station.

Ex. 6

4. Employee's timekeeper will have a copy of the employee's Flexiplace schedule. Employee's time and attendance will be recorded as Flexiplace Time using a special code established for this purpose. Employee's supervisor will certify bi-weekly time and attendance for hours worked. Employee must complete the "Employee Self-Certification Time and Attendance Report" (Attachment I) and return it to his or her supervisor on a bi-weekly basis.
5. Employees performing work at the alternative work location will follow established procedures for requesting and obtaining approval of leave, consistent with Article 29 of the Master Collective Bargaining Agreement.
6. Employees performing work at the AWL are subject to the same maximum workday limits as they would be if they were performing work at the official duty station. Employees performing work at the AWL are not authorized to work overtime or official compensatory time, except in special circumstances (e.g., to meet priority needs of the Agency). In these situations, prior approval must be obtained from their supervisor.

Appendix (3)

7. An employee who is authorized to use Agency equipment will protect the Agency equipment in accordance with the procedures established in FIRMIR Bulletin 30, dated October 15, 1985. An employee who provides his/her own equipment is responsible for installing, servicing, and maintaining it.
8. Provided the employee is given at least 24 hours advance notice, the employee agrees to permit periodic inspections of his/her AWL during the employee's normal working hours to ensure site conformance with safety standards and other specifications in these guidelines. Such inspections will occur only on days when the employee is working at the AWL.
9. Questions related to claims for personal property damage or loss or personal injury related to the employee's performance of official duties should be directed to the servicing Human Resources Office. The Agency will address issues of employee or Agency liability in accordance with the specific facts of each case and under the provisions of the Federal Employees Claims Act, the Federal Tort Claims Act, the Military Personnel and Civilian Employees Claims Act, and local law as appropriate.
10. The Agency will not be responsible for operating costs, home maintenance, homeowners or renters insurance, or other residential costs except the Agency will install and pay the cost for authorized telephone expenses (including toll calls) incurred for official Agency business.
11. The Agency will provide necessary office supplies that are regularly available at the Agency (such as paper, pens, printer ribbons, diskettes, envelopes, tape, staples, etc.).
12. EPA may provide telephone credit cards or may reimburse an employee working under an approved Flexiplace Agreement for business-related long-distance and toll calls on his/her personal phone. EPA may install telephone lines and other necessary equipment and pay monthly telephone charges in private residences under special circumstances. The Agency reserves the right to determine the most cost-effective manner of covering telecommunications costs.
13. Employees are expected to plan for and accomplish necessary photocopying, mail, and facsimile transmissions at the regular work site. In emergency situations, and with the prior approval of the supervisor, costs associated with the copying of work-related materials, facsimile charges, express mail, etc., may be reimbursed.
14. The employee is covered under the Federal Employee's Compensation Act (FECA) if injured in the course of performing official duties at the official or alternate duty location, in accordance with applicable Department of Labor regulations and standards governing FECA liability.
(NOTE: Any accident or injury occurring at the alternate duty station must be brought to the immediate attention of the supervisor and the servicing Human Resources Office. Because an employment-related accident sustained by an employee participating in the Flexiplace Program could occur outside the premises of the official duty station, the supervisor must investigate all reports immediately following notification.)

15. The employee must complete the "Employee Self-Certification Safety Checklist," which identifies significant safety standards that should be met, and submit it to his/her supervisor prior to participating in the Flexiplace Program.
16. The employee will communicate as needed with his/her supervisor to receive assignments and have completed work reviewed in accordance with the supervisor's instructions.
17. The employee will complete all assigned work in accordance with his/her supervisor's instructions. Progress reviews under Article 34 as revised by the parties will be used by the supervisor in his/her assessment of the employee's job performance. The supervisor will evaluate employee's job performance against performance standards established in the employee's performance agreement.
18. To participate in the Flexiplace Program, an employee must have a performance rating of at least Fully Successful (level 3 or equivalent) in the rating of record.
19. The employee agrees to use approved safeguards to protect Agency records from unauthorized disclosure or damage and to comply with the requirements set forth in the Privacy Act of 1974, as amended, 5 U.S.C. 552a, and those concerning release of confidential business information (CBI) as set forth in 40 C.F.R. Part U, Subpart B and EPA's TSCA Confidential Business Information Security Manual .
20. An employee may terminate his/her Flexiplace arrangement at any time without prejudice and return to his/her official duty station. Employee notice to the supervisor should be in writing and acknowledged by the supervisor to prevent misunderstandings about the employee's work location.
21. The Agency may remove an employee from the Flexiplace Program based on the employee's failure to adhere to the requirements specified in the Flexiplace Program Agreement and/or any performance or conduct issues or concerns which adversely affect or alter the terms of this agreement. When a decision is made to remove an employee from the Flexiplace Program, the employee must be given written notice indicating the reason(s) for removal. The employee may reapply for Flexiplace Program participation one year after removal from the Program, provided that her/his performance and conduct are fully satisfactory, and meets all other eligibility requirements.
22. The employee agrees to perform his/her officially assigned duties at either the official duty station , the alternative work location or while on official travel. Failure to comply with this provision may result in administrative action, such as charge of leave, loss of pay, termination of participation in the program, or disciplinary action, as warranted, based on the situation.
23. The employee agrees not to conduct unauthorized personal business while in official duty status at the official or alternate work location (e.g., dependent care, home repairs, real estate transactions). The employee agrees to arrange for any dependent care and other personal responsibilities so as to insure that the employee can work without interruption. Flexiplace is not a substitute for dependent care.

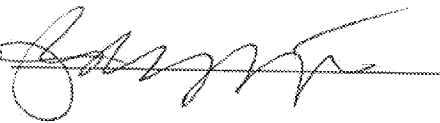
24. This Agreement does not restrict the employee's right to change schedules in accordance with existing agreements. If a permanent change of schedule is approved, the schedule in the application package will be changed accordingly and initialed by both the employee and the supervisor.

25. The employee and the supervisor agree to attend the required training and orientation prior to participation in the Flexiplace Program.

26. An employee must be willing to report to the official work site without delay if unexpectedly needed.

I have read and understood all the provisions of this work agreement and agree to abide by them.

Employee's Signature



Date

10-27-08

EPA concurs with the participation of this employee and agrees to adhere to the provisions of this agreement.

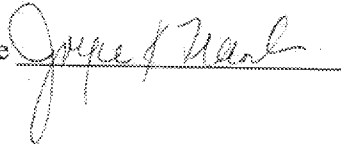
Supervisor's Signature



Date

10-27-08

Approving Official's Signature



Date

10-27/08

Employee Name

Jim. Blayzard

Official Tour of Duty:

Ex. 6

Appendix (4)

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 1/30/2017 3:24:44 PM
Subject: Re: RE: RE:

Got it
Let me see

Sent from my iPhone

> On Jan 30, 2017, at 10:22 AM, Jackson, Ryan (Inhofe) wrote:
>
> Left you a message to explain it more but essentially I want to talk to OARM. Pruitt wants to know when he goes home to Tulsa, Oklahoma where he can work.
>
> I don't think EPA has any offices in Oklahoma with the big exception of the Ada lab. But Ada is 150 miles from Tulsa.
>
> I wanted to see if OARM and GSA could put their heads together to get something prepared for him.
>
> -----Original Message-----
> From: Blizzard, James [mailto:Blizzard.James@epa.gov]
> Sent: Monday, January 30, 2017 10:12 AM
> To: Jackson, Ryan (Inhofe)
> Subject: Re: RE:

> Yes And yes
> Just let me know

> Sent from my iPhone

>> On Jan 30, 2017, at 10:02 AM, Jackson, Ryan (Inhofe) wrote:
>>
>> Are you staying?
>>
>> Can you help me with something?

>> -----Original Message-----
>> From: Blizzard, James [mailto:Blizzard.James@epa.gov]
>> Sent: Monday, January 30, 2017 8:43 AM
>> To: Jackson, Ryan (Inhofe)
>> Subject: Re:

>> I don't want to miss this show!

>> Sent from my iPhone

>>> On Jan 30, 2017, at 8:29 AM, Jackson, Ryan (Inhofe) wrote:
>>>
>>> Jim, I wanted to see if you retired from EPA.

>>>
>>> _____
>>> Ryan Jackson
>>> Chief of Staff
>>> U.S. Senator James M. Inhofe
>>> 205 Russell Senate Office Bldg.
>>> Washington, D.C. 20510
>>> (202) 224-4721

>>
>

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 1/30/2017 3:11:47 PM
Subject: Re: RE:

Yes And yes
Just let me know

Sent from my iPhone

> On Jan 30, 2017, at 10:02 AM, Jackson, Ryan (Inhofe) wrote:

>
> Are you staying?
>
> Can you help me with something?
>
> -----Original Message-----
> From: Blizzard, James [mailto:Blizzard.James@epa.gov]
> Sent: Monday, January 30, 2017 8:43 AM
> To: Jackson, Ryan (Inhofe)
> Subject: Re:

>
> I don't want to miss this show!

>
>
> Sent from my iPhone

>> On Jan 30, 2017, at 8:29 AM, Jackson, Ryan (Inhofe) wrote:

>>
>> Jim, I wanted to see if you retired from EPA.

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>> _____
>> Ryan Jackson
>> Chief of Staff
>> U.S. Senator James M. Inhofe
>> 205 Russell Senate Office Bldg.
>> Washington, D.C. 20510
>> (202) 224-4721

>>
>

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 1/30/2017 1:43:06 PM
Subject: Re:

I don't want to miss this show!

Sent from my iPhone

> On Jan 30, 2017, at 8:29 AM, Jackson, Ryan (Inhofe) wrote:
>
> Jim, I wanted to see if you retired from EPA.
>
>
> _____
> Ryan Jackson
> Chief of Staff
> U.S. Senator James M. Inhofe
> 205 Russell Senate Office Bldg.
> Washington, D.C. 20510
> (202) 224-4721
>

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 1/4/2017 2:06:20 PM
Subject: RE: Happy New Year

Thanks Ryan

Thoughts on reaching out to Rob? I don't have any ties to Hatch – this agency doesn't interact with him much – but I'd like to make sure this office does its part in helping with the process when it is able and when it can. Could be a rough ride for Pruitt's son during this process –

Always here to help if I can.

From: Jackson, Ryan (Inhofe) [mailto:Ryan_Jackson@inhofe.senate.gov]
Sent: Wednesday, January 04, 2017 8:33 AM
To: Blizzard, James
Subject: RE: Happy New Year

Hey, happy new year.

I'm back in the personal office as of yesterday. I'm still Senator Inhofe's chief of staff. The meeting with the Senators tomorrow was just to help provide what to expect as you would imagine. The Sherpa for the nomination is Rob Porter. Rob is Senator Hatch's chief of staff. His transition email is Robert.r.porter@ptt.gov. Pruitt's made some member calls over the break and started meetings yesterday. He's getting some good Democratic response to his outreach. Most importantly helping him prepare for the hearing and meetings. Things actually look really good. He'll be a good guy. I've actually known him for some time, tried to help his AG office on issues from time to time, invited him to DC to testify. He's friends with Inhofe actually. They've campaigned together. In fact, nearly 20 years ago one of my best friends was his campaign manager when he ran for Congress in Tulsa unsuccessfully when he was in the state Senate. Pruitt's a studious guy, definitely a hard worker, ensures he's well prepared. I really like the guy. He's just a good guy. Daughter interned in the office and was a cheerleader at OU. I think he has two kids. His son is working in our office this January. He's definitely coming over. I mean this guy's getting confirmed. He's just good and Dems will have to shift target to something else. You'll enjoy working with him.

From: Blizzard, James [mailto:Blizzard.James@epa.gov]
Sent: Wednesday, January 04, 2017 8:25 AM
To: Jackson, Ryan (Inhofe) <Ryan_Jackson@inhofe.senate.gov>
Subject: Happy New Year

Where are you landing? Staying with Committee or with the Senator?

I understand Pruitt was around – are you able to say who his handlers were? Any follow-up for Senator Inhofe or Barrasso if you know.

Thanks Ryan.

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 1/4/2017 1:25:27 PM
Subject: Happy New Year

Where are you landing? Staying with Committee or with the Senator?

I understand Pruitt was around – are you able to say who his handlers were? Any follow-up for Senator Inhofe or Barrasso if you know.

Thanks Ryan.

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 5/14/2018 10:02:03 PM
To: Tomassi, Chris (Appropriations) [Chris_Tomassi@appro.senate.gov]
CC: Lyons, Troy [lyons.troy@epa.gov]
Subject: may be helpful Wednesday

<http://www.wweek.com/news/2018/04/12/embattled-environmental-protection-agency-administrator-scott-pruitt-wins-praise-from-unlikely-source-gov-kate-brown/>

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency

Ex. 6

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 5/24/2018 7:00:35 PM
To: Joanna Slaney [jslaney@edf.org]
Subject: RE: EPA Announces Action on Methylene Chloride

I do. Call anytime. Ex. 6

We should have this ready to send soon.

From: Joanna Slaney [mailto:jslaney@edf.org]
Sent: Thursday, May 24, 2018 2:55 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: FW: EPA Announces Action on Methylene Chloride

Hi Ryan,

Do you have any time tomorrow to talk?

Best,
Joanna

From: Joanna Slaney
Sent: Friday, May 18, 2018 12:35 PM
To: 'Jackson, Ryan' <jackson.ryan@epa.gov>
Subject: RE: EPA Announces Action on Methylene Chloride

Hi Ryan,

Wanted to see if we could find a few minutes to talk methylene chloride. Is there a time that works to talk?

Best,
Joanna

From: Jackson, Ryan <jackson.ryan@epa.gov>
Sent: Thursday, May 10, 2018 9:57 AM
To: Joanna Slaney <jslaney@edf.org>
Subject: RE: EPA Announces Action on Methylene Chloride

Right, that's the confusion which I'm trying to sort through in order to tell you that affirmatively. Maybe the proposal wasn't done in a sloppy way, but there's a difference of opinion even within the building.

From: Joanna Slaney [mailto:jslaney@edf.org]
Sent: Thursday, May 10, 2018 8:52 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: EPA Announces Action on Methylene Chloride

Thanks, Ryan. Will the final rule retain the proposed rule's language on the ban for all consumer and most commercial uses?

From: Jackson, Ryan [<mailto:jackson.ryan@epa.gov>]
Sent: Thursday, May 10, 2018 8:28 AM
To: Joanna Slaney <jslaney@edf.org>
Subject: FW: EPA Announces Action on Methylene Chloride

Per our conversation, I wanted you to be informed.

We are in the process of finalizing this, however, one of the problems internally seems to be what we proposed in the first place. I think to be entirely honest due to it being proposed on January 19, 2017 in a hurried fashion there's at least questions about the proposal I'm trying to get finished so we can complete this.

However, we are moving forward like I mentioned yesterday, and I hope to get this completed in short order.

From: EPA Press Office [<mailto:press=epa.gov@cmail19.com>] **On Behalf Of** EPA Press Office
Sent: Thursday, May 10, 2018 7:19 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: EPA Announces Action on Methylene Chloride

EPA Announces Action on Methylene Chloride

WASHINGTON (May 10, 2018) - Today, the U.S. Environmental Protection Agency (EPA) announced upcoming actions on methylene chloride, a chemical that can be used for paint stripping. The *Lautenberg Chemical Safety for the 21st Century Act*, which amended the Toxic Substances Control Act (TSCA), requires EPA to perform risk evaluations on the uses of ten specific chemicals including methylene chloride. EPA is nearing the completion of Problem Formulations for the first ten chemicals.

A timeline of EPA's recent work on methylene chloride:

- In 2014, EPA addressed the paint stripping uses in its risk assessment.
- In January 2017, EPA proposed prohibiting the consumer and commercial paint stripping uses for methylene chloride.

- In June 2017, EPA announced that it will **not** re-evaluate the paint stripping uses of methylene chloride.

Based on this work, EPA is announcing three updates:

- EPA intends to finalize the methylene chloride rulemaking;
- EPA is not re-evaluating the paint stripping uses of methylene chloride and is relying on its previous risk assessments; and
- EPA is working to send the finalized rulemaking to OMB shortly.

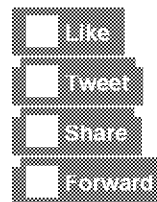
EPA is working diligently to implement the new law get the most modern and safe chemicals to market, and to ensure the safety of existing chemicals.

For more information on TSCA implementation, visit: <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/frank-r-lautenberg-chemical-safety-21st-century-act-5>

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U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004



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Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 5/8/2018 3:35:43 PM
To: abrilj@socma.com

Jennifer, I wanted to see if you have an opportunity to visit at some point soon. I didn't have a direct for you and couldn't leave a message.

My cell is Ex. 6 Thanks.

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency
Ex. 6

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 5/1/2018 8:25:18 PM
To: Michael K. Henry [mhenry@alpinegroup.com]
Subject: RE: Wheeler

Of course. Wheeler.andrew@epa.gov

From: Michael K. Henry [mailto:mhenry@alpinegroup.com]
Sent: Tuesday, May 1, 2018 3:15 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Wheeler

Hey, sorry to bug you, but do you have a good email address for Andy?

mike

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 5/10/2018 11:14:54 PM
To: Van Doren, Terry (McConnell) [Terry_VanDoren@mccconnell.senate.gov]
CC: Lyons, Troy [lyons.troy@epa.gov]
Subject: FW: Northern KY Petition
Attachments: opt-out response letter 05-09-2018.pdf; opt out FR notice 05-09-2018.pdf

I meant to send this to you yesterday.

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency

Ex. 6

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[EPA-HQ-OAR-2018-0114; FRL-9977-50-OAR]

**Removal of the Federal Reformulated Gasoline Program from the Northern Kentucky
Portion of the Cincinnati-Hamilton Ozone Maintenance Area**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Final Action on Petition.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action in announcing its approval of the petition by Kentucky to opt-out of the federal reformulated gasoline (RFG) program and remove the requirement to sell federal RFG for Boone, Campbell, and Kenton counties (the Northern Kentucky Area), which are part of the Cincinnati-Hamilton, Ohio-Kentucky-Indiana maintenance area for the 2008 ozone national ambient air quality standard (NAAQS) (Cincinnati-Hamilton, OH-KY-IN Area). EPA has determined that this removal of the federal RFG program for the Northern Kentucky Area is consistent with the applicable provisions of the Clean Air Act (CAA) and EPA's regulations.

DATES: The effective date for removal of the Northern Kentucky Area from the federal RFG program is July 1, 2018.

FOR FURTHER INFORMATION CONTACT: David Dickinson, Office of Transportation

and Air Quality, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, Washington, DC 20460; telephone number: (202) 343-9256; e-mail address: dickinson.david@epa.gov or Rudy Kapichak, Office of Transportation and Air Quality, U.S. Environmental Protection Agency, (2000 Traverwood, Ann Arbor, MI 48105); telephone number: 734-214-4574; email address: kapichak.rudolph@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

Entities potentially affected by this final action are fuel producers and distributors who do business in the Northern Kentucky Area.

Examples of Potentially Regulated Entities	NAICS ¹ Codes
Petroleum refineries	324110
	424710
Gasoline Marketers and Distributors	424720
Gasoline Retail Stations	447110
Gasoline Transporters	484220
	484230

The above table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. The table lists the types of entities of which EPA is aware that potentially could be affected by this final action. Other types of entities not listed on the table could also be affected by this final action. To determine whether your organization could be affected by this final action, you should carefully examine the regulations

¹ North American Industry Classification System.

in 40 CFR part 80 subpart D – Reformulated Gasoline. If you have questions regarding the applicability of this action to a particular entity, see the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

B. How Can I Get Copies of This Document and Other Related Information?

EPA has established a docket for this action under Docket ID No. EPA-HQ-OAR-2018-0114. All documents in the docket are listed on the www.regulations.gov website. Although listed in the index, some information may not be publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through www.regulations.gov.

II. Background

A. What is the RFG Program?

The 1990 Clean Air Act (CAA) amendments established specific requirements for the RFG program to reduce ozone levels in certain areas in the country experiencing ground-level ozone or smog problems by reducing vehicle emissions of compounds that form ozone, specifically volatile organic compounds (VOCs). The 1990 CAA amendments, specifically CAA section 211(k)(5), directed EPA to issue regulations that specify how gasoline can be “reformulated” so as to result in significant reductions in vehicle emissions of ozone-forming and toxic air pollutants relative to the 1990 baseline fuel, and to require the use of such reformulated gasoline in certain “covered areas.” The CAA defined certain nonattainment areas

as “covered areas” which are required to use reformulated gasoline (RFG) and provided other areas with an ability to “opt-in” to the RFG program. CAA section 211(k)(6) provides an opportunity for an area classified as a Marginal, Moderate, Serious, or Severe ozone nonattainment area, or which is in the ozone transport region established by CAA section 184(a), to “opt-in” to the RFG program upon application by the governor of the state (or his authorized representative) and subsequent action by EPA.

As in other RFG covered areas, RFG opt-in areas are subject to the prohibition in CAA section 211(k)(5) on the sale or dispensing by any person of conventional (non-RFG) gasoline to ultimate consumers in the covered area. The prohibition also includes the sale or dispensing by any refiner, blender, importer, or marketer of conventional gasoline for resale in any covered areas, without segregating the conventional gasoline from RFG and clearly marking conventional gasoline as not for sale to ultimate consumers in a covered area. EPA first published regulations for the RFG program on February 16, 1994 (59 FR 7716).

Kentucky voluntarily opted Boone, Campbell, and Kenton Counties into the RFG program in 1995. Kentucky also opted its portion of the Louisville ozone area (Jefferson County and parts of Bullitt and Oldham Counties) into the RFG program; however, today’s action does not affect the use of RFG in the Louisville ozone area. A current listing of the RFG covered areas and a summary of RFG requirements can be found on EPA’s website at:

<https://www.epa.gov/gasoline-standards/reformulated-gasoline>.

B. Opt-Out Procedures

The RFG regulations (40 CFR 80.72—Procedures for opting out of the covered areas) provide the process and criteria for a reasonable transition out of the RFG program if a state decides to opt-out.² These opt-out regulations provide that the governor of the state must submit a petition to the Administrator requesting to opt-out of the RFG program. The petition must include specific information on how, if at all, the state has relied on RFG in a proposed or approved state implementation plan (SIP) or plan revision and, if RFG is relied upon, how the SIP will be revised to reflect the state's opt-out from RFG. The opt-out regulations also provide that EPA will notify the state in writing of the Agency's action on the petition and the date the opt-out becomes effective (i.e., the date RFG is no longer required in the affected area) when the petition is approved. The opt-out regulations also provide that EPA will publish a **Federal Register** notice announcing the approval of any opt-out petition and the effective date of such opt-out. If a SIP revision is required, the effective date of EPA's approval of the opt-out can be no less than 90 days from the effective date of EPA's approval of the revision to the SIP that removes RFG as a control measure. *See* 40 CFR 80.72(c)(7).

EPA determined in the RFG "Opt-out Rule" that it would not be necessary to conduct a separate rulemaking for each future opt-out request. (*See* 61 FR 35673 at 35675 (July 8, 1996)). EPA established a petition process to address, on a case-by-case basis, future individual state requests to opt-out of the RFG program. The opt-out regulations establish clear and objective criteria for EPA to apply. These regulatory criteria address when a state's petition is complete and the appropriate transition time for opting out. As EPA stated in the preamble to the Opt-out

² Pursuant to authority under CAA sections 211(c) and (k) and 301(a), EPA promulgated regulations at 40 CFR 80.72 to provide criteria and general procedures for states to opt-out of the RFG program where the state had previously voluntarily opted into the program. The regulations were initially adopted on July 8, 1996 (61 FR 35673) (the RFG "Opt-out Rule"); and were revised on October 20, 1997 (62 FR 54552).

Rule, this application of regulatory criteria on a case-by-case basis to individual opt-out requests does not require notice-and-comment rulemaking, either under CAA section 307(d) or the Administrative Procedure Act. Thus, in this action, EPA is applying the criteria and following the procedures specified in its opt-out regulations to approve Kentucky's petition.

C. Opt-out of RFG for the Northern Kentucky Portion of the Cincinnati-Hamilton OH-KY-IN Maintenance Area

On April 18, 2017, Kentucky submitted a petition to the EPA Administrator requesting to opt-out from the RFG program for Boone, Campbell and Kenton counties (the Northern Kentucky Area).³ In order to fulfill the requirements of the RFG opt-out regulations, on September 13, 2018, Kentucky submitted a revision to its maintenance plan for the Northern Kentucky Area to remove the emissions reductions associated with the use of RFG in this area and to demonstrate that the RFG opt-out would not interfere with the area's ability to attain or maintain the 2008 ozone NAAQS and any other NAAQS as required by CAA section 110(l). (*See* 40 CFR 80.72(b)). EPA published a proposed approval of the SIP revision on February 14, 2018 (83 FR 6496) and a final approval of the SIP revision on April 2, 2018 (83 FR 13872). The final approval of the maintenance plan revision was effective upon publication, April 2, 2018. The RFG opt-out regulations provide that the opt-out effective date shall be no less than 90 days from the EPA SIP approval effective date. (*See* 40 CFR 80.72(c)(7)). EPA is unaware of any reason that the effective date should be postponed, and therefore, is establishing an opt-out effective date of July 1, 2018 for the Northern Kentucky Area.

³ The Secretary of Kentucky's Energy and Environment Cabinet submitted the opt-out petition on behalf of the Commonwealth of Kentucky. A copy of the opt-out petition is included in the docket.

As provided by the RFG Opt-out Rule and the opt-out regulations, EPA will publish a final rule at a later date to remove the three counties in the Northern Kentucky Area from the list of RFG covered areas in 40 CFR 80.70 after the effective date of the opt-out. EPA believes that it is prudent to complete this ministerial exercise to revise the list of covered areas in the Code of Federal Regulations after the effective date of the opt-out.

III. Action

EPA is approving Kentucky's petition because it contained the information required by 40 CFR 80.72, including that Kentucky revised the approved maintenance plan for the 2008 ozone NAAQS for the Northern Kentucky Area to remove the emissions reductions associated with RFG. EPA is also determining the opt-out effective date by applying the criteria in 40 CFR 80.72(c)(7). As discussed in Section II.A. of this document, the opt-out regulations require that if a state included RFG as a control measure in an approved SIP, the state must revise the SIP, reflecting the removal of RFG as a control measure before an opt-out can be effective and the opt-out cannot be effective less than 90 days after the effective date of the approval of the SIP revision. EPA published a final approval of Kentucky's maintenance plan revision and noninterference demonstration on April 2, 2018 (83 FR 13872). The final approval was effective upon publication.

***Removal of the Federal Reformulated Gasoline Program from the Northern Kentucky Portion
of the Cincinnati-Hamilton Ozone Maintenance Area***

Page 8 of 8

In summary, EPA is today notifying the public that it has applied its regulatory criteria to approve the petition by Kentucky to opt-out of the RFG program for the Northern Kentucky Area of the Cincinnati-Hamilton, OH-KY-IN ozone maintenance area and is thereby removing the prohibition on the sale of conventional gasoline in that area as of July 1, 2018. (See 40 CFR 80.72). This opt-out effective date applies to retailers, wholesale purchasers, consumers, refiners, importers, and distributors.

MAY 09 2018

Dated:

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", is written over a horizontal line.

E. Scott Pruitt,
Administrator.



E. SCOTT PRUITT
ADMINISTRATOR

April 30, 2018

The Honorable Charles G. Snively
Secretary
Energy and Environment Cabinet
State of Kentucky
300 Sower Boulevard
Frankfort, Kentucky 40601

Dear Secretary Snively:

Thank you for your April 18, 2017, letter petitioning the U.S. Environmental Protection Agency for an opt-out of the federal reformulated gasoline program. The petition applies to Boone, Campbell and Kenton counties (the Northern Kentucky Area), which are part of the Cincinnati-Hamilton, Ohio-Kentucky-Indiana maintenance area for the 2008 ozone National Ambient Air Quality Standard. The EPA has worked with Kentucky to complete the steps required to opt out of the RFG program in these counties and to assure a smooth transition. Through this letter, I am notifying you that I have approved the state's petition based on the rules governing the RFG program and actions recently taken by the Commonwealth. As a result of my approval of your petition, federal RFG will no longer be required in the Northern Kentucky Area as of July 1, 2018.

The EPA's RFG regulations provide the process and criteria for a reasonable transition out of the federal RFG program if a state decides to opt out. See 40 CFR 80.72 for further details. Since Kentucky's April 18, 2017, petition, we have worked together to fulfill the statutory and regulatory requirements for the opt-out of RFG in the Northern Kentucky Area.

As part of this work, on September 13, 2017, Kentucky submitted a revision to its maintenance plan for the Northern Kentucky Area to remove the emissions reductions associated with the use of RFG in this area and to demonstrate that the RFG opt-out would not interfere with the area's ability to attain or maintain the 2008 ozone NAAQS and any other NAAQS, as required by *Clean Air Act* section 110(l). The EPA's Region 4 office published a final approval of the maintenance plan revision and non-interference demonstration on April 2, 2018, which was effective upon publication. The regulations provide that the opt-out effective date shall be no less than 90 days from the EPA State Implementation Plan approval effective date. A *Federal Register* notice that evaluates Kentucky's petition to opt out of the RFG program in the Northern Kentucky



Area and grants the EPA's approval of the petition will be publicly available soon. The notice also serves to inform the public of the July 1, 2018, effective date of the opt-out.

If you have further questions or concerns, please contact me, or your staff may contact Troy Lyons, Associate Administrator for Congressional and Intergovernmental Relations, at (202) 564-5200 or at lyons.troy@epa.gov.

Respectfully yours,



E. Scott Pruitt

cc: The Honorable Matt Bevin
Trey Glenn, EPA Region 4

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 5/18/2018 4:25:17 PM
To: Hayden, Lou - Luciano [lou.hayden@lowes.com]
Subject: Re: Thank you

Perfect.

Yes, she's really good.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

On May 18, 2018, at 9:32 AM, Hayden, Lou - Luciano <lou.hayden@lowes.com> wrote:

Nancy is great.

Lou Hayden
Head of Washington, DC Office
Lowe's Companies
300 New Jersey Avenue NW, Ste. 900
Washington, DC 20001

Ex. 6

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Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 5/2/2018 2:44:25 PM
To: Coral Davenport [coral.davenport@nytimes.com]
Subject: RE: Can you comment on this?

Did you run a story? I didn't see it. Please let me know when you are contacting our press shop. Needless to say, they are inundated and to the extent I can shed light on something especially like that, I need to do that. And yes, I'm happy to help with that.

From: Coral Davenport [mailto:coral.davenport@nytimes.com]
Sent: Wednesday, May 2, 2018 10:14 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Re: Can you comment on this?

This is really helpful, Ryan — thank you. We didn't hear anything from y'all last night so we didn't have a response for the story but I'll try to see that this is included in any folo.

Might you have a moment to chat today?

Best,
Coral

Coral Davenport
Energy and Environment Correspondent
The New York Times
Washington Bureau
1627 I St. NW, Suite 700
Washington, DC 20006
coral.davenport@nytimes.com

Ex. 6

Twitter @CoralMDavenport

On May 2, 2018, at 9:15 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Coral, I thought our press shop responded to you concerning this email.

So, I would like to provide you background on this.

EPA and I in particular regularly receive welcomed solicited and unsolicited suggestions for individuals to serve in the Trump Administration including on various EPA volunteer boards. The Science Advisory Board alone received applications and recommendations for a few hundred people to fill less than 50 spots. To be clear just as in the previous case referencing Smithfield, Smithfield Foods was not advocating for anyone to be on the Science Advisory Board, and Steve Hart has passing along suggestions of individuals from Dennis Tracey individually who may be interested in serving. In this case, the individuals involved were not selected for the SAB, and EPA has redacted their names to respect their privacy. All the individuals suggested currently work in various academic positions. We do not believe it was a conflict of interest. We simply believe they were suggestions. EPA has recently experienced the great problem of having too many applications for positions on our Federal Advisory Committees.

From: Davenport, Coral [<mailto:coral.davenport@nytimes.com>]

Sent: Tuesday, May 1, 2018 5:43 PM

To: Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>

Subject: Can you comment on this?

This email exchange appears to show that J. Steven Hart was lobbying Pruitt at the time that Pruitt still owed money to Hart's wife Vicki, his former landlord. In this email, Hart is asking for help getting three people recommended by his lobbying firm's client, Smithfield Foods, appointed to the Science Advisory Board.

These are from August 2017--a few weeks after Pruitt moved out of the apartment, but at a time when he still owed Vicki Hart money.

"You met Dennis," reads the August email to Ryan Jackson. "I trust him on recommendations."

This seems to show a conflict of interest.

What's E.P.A.'s response?

Thanks,

Coral

--

Coral Davenport
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The New York Times
Washington Bureau
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Ex. 6

Twitter @CoralMDavenport

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 5/1/2018 3:05:13 PM
To: Brook Simmons [BSimmons@newfield.com]
Subject: RE: Mr. Jackson, do you have any updates...
Attachments: amendments to FIP for managing air emissions from true minor sources in Indian country 04-30-2018.pdf

Yes, attached is a modification to the FIP in the areas. This extends streamlined permitting provisions to Uintah while its nonattainment designation becomes effective & serves as a bridge until something reservation-specific is further negotiated.

The background is that the EPA proposed amendments to the 2016 federal implementation plan for managing air emissions from new and modified true minor oil and natural gas sources in Indian country. The FIP limits emissions of harmful air pollutants while providing streamlined construction authorization for new and modified "true minor sources" in the oil and natural gas production and natural gas processing segments of the oil and natural gas sector. The proposed amendments would allow the FIP to continue to apply in portions of the Uintah and Ouray Indian Reservation that may be included in an area EPA intends to designate as nonattainment for the 2015 national ambient air quality standards for ozone. The current FIP applies only in areas designated as attainment, attainment/unclassifiable or unclassifiable. The proposed amendments would provide a permanent mechanism for streamlining construction authorizations for new and modified true minor sources on the reservation, even if portions of the reservation are designated as nonattainment. EPA intends to complete designations for the 2015 ozone standards for most areas by April 30, 2018. The effective date of the designations will be specified in a notice to be published in the Federal Register. The Agency also is seeking comment on whether the amendments should be temporary and expire before the start of the area's 2018-2019 wintertime ozone season. Separately, EPA is developing a reservation-specific rule for oil and natural gas sources on the Uintah and Ouray Indian Reservation.

From: Brook Simmons [mailto:BSimmons@newfield.com]
Sent: Tuesday, May 1, 2018 9:32 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Mr. Jackson, do you have any updates...

related to Utah non-attainment issues? These issues impact Ute tribal economics as well as local economies throughout the entire basin.

-Brook A. Simmons

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 49

[EPA-HQ-OAR-2014-0606; FRL-XXXX-XX-OAR]

RIN 2060-AT96

Amendments to Federal Implementation Plan for Managing Air Emissions from True Minor Sources in Indian Country in the Oil and Natural Gas Production and Natural Gas Processing Segments of the Oil and Natural Gas Sector

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing three amendments to the existing National Oil and Natural Gas Federal Implementation Plan (National O&NG FIP) that applies to new true minor sources and minor modifications at existing true minor sources in the oil and natural gas production and natural gas processing segments of the oil and natural gas sector that are locating or expanding in Indian reservations or in other areas of Indian country over which an Indian tribe, or the EPA, has demonstrated the tribe's jurisdiction. The National O&NG FIP, which includes a mechanism for authorizing construction of true minor new and modified oil and natural gas sources, satisfies the minor source permitting requirement under the "Federal Minor New Source Review (NSR) Program in Indian Country" (referred to as the "Federal Indian Country Minor NSR rule"). We are proposing two amendments to apply the National O&NG FIP to the Uintah and Ouray Reservation (U&O Reservation) portion of the intended Uinta Basin Ozone Nonattainment Area. We are also proposing a minor technical correction to fix a typographical error in a provision in the National O&NG FIP.

DATES: *Public Hearing.* A public hearing will be held May 30, 2018, at the EPA's Region 8 offices at 1595 Wynkoop Street, Denver, CO 80202. Please refer to the **SUPPLEMENTARY INFORMATION** section for additional information on the hearing.

Comments. The EPA must receive comments on this proposed action no later than **[INSERT DATE 45 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER OR 30 DAYS AFTER MAY 30, 2018, WHICHEVER IS LATER]**.

ADDRESSES: *Public Hearing.* The hearing will be held at the EPA's Region 8 offices at 1595 Wynkoop Street, Denver, CO 80202. The hearing will convene at 9:00 a.m. (local time). The EPA will end the hearing two hours after the last registered speaker has concluded their comments but no later than 4:00 p.m. (local time). There will be a lunch break from 1:00 p.m. to 2:00 p.m. (local time).

Because the hearing is being held at a United States government facility, individuals planning to attend must plan for enough time to enter the facility. All visitors must ensure they have a valid photo ID and must pass through security screening, comparable to screening at an airport, they will sign in and obtain a visitor pass. No large signs, cameras, banners and/or weapons will be allowed in to the facility.

Docket. The EPA has established a docket for this action under Docket ID No. EPA-HQ-OAR-2014-0606, at <http://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from Regulations.gov. the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment

and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (i.e., on the Web, Cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT: Mr. Christopher Stoneman, Outreach and Information Division, Office of Air Quality Planning and Standards (C-304-01), Environmental Protection Agency, Research Triangle Park, North Carolina, 27711, telephone number (919) 541-0823, facsimile number (919) 541-0072, email address: stoneman.chris@epa.gov.

Public Hearing. The EPA will begin pre-registering speakers for the hearing upon publication of this notice in the *Federal Register*. If you would like to speak at the public hearing, please register using the online registration form available at: <https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry>. You may also register by contacting Tonya Blatcher at (919) 541-1929 or by email at blatcher.tonya@epa.gov. To register to speak, we request the following information: The time you wish to speak, name, affiliation, email address, and telephone number. If you register to speak online, you do not need to call. If you require reasonable accommodations, such as the service of a translator, please let us know as soon as possible, but no later than May 22, 2018.

The last day to pre-register to register to speak at the hearing will be Tuesday, May 25, 2018. On May 28, 2018, the EPA will post a general agenda for the hearing that will list pre-registered speakers in approximate order. The general agenda will be posted at <https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry>. The EPA will make

every effort to follow the schedule as closely as possible on the day of the hearing; however, please plan for the hearing to run either ahead of schedule or behind schedule. Additionally, requests to speak will be taken the day of the hearing at the hearing registration desk. The EPA will make every effort to accommodate all speakers who arrive and register, although preferences on speaking times may not be able to be fulfilled.

SUPPLEMENTARY INFORMATION: *Public Hearing.* Each commenter will have 5 minutes to provide oral testimony. The EPA encourages commenters to provide the EPA with a copy of their oral testimony electronically (via email) or in hard copy form.

The EPA may ask clarifying questions during the oral presentations, but will not respond to the presentations at that time. Written statements and supporting information submitted during the comment period will be considered with the same weight as oral comments and supporting information presented at the public hearing. Commenters should notify Tonya Blatcher at (919) 541-1929 or by email at blatcher.tonya@epa.gov if they will need specific equipment, or if there are other special needs related to providing comments at the hearings. Verbatim transcripts of the hearings and written statements will be included in the docket for the rulemaking.

Please note that any updates made to any aspect of the hearing will be posted online at <https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry>. While the EPA expects the hearing to go forward as set forth above, please monitor our website or contact Tonya Blatcher at (919) 541-1929 or by email at blatcher.tonya@epa.gov to determine if there are any updates. The EPA does not intend to publish a notice in the *Federal Register* announcing updates.

The EPA will not provide audiovisual equipment for presentations unless we receive special requests in advance. Commenters should notify Tonya Blatcher when they pre-register to

speakers that they will need specific equipment. If you require the service of a translator or special accommodations such as audio description, please pre-register for the hearing and describe your needs by May 22, 2018. We may not be able to arrange for accommodations without advance notice.

The information presented in this preamble is organized as follows:

I. General Information

A. What entities are potentially affected by this action?

B. Where can I get a copy of this document and other related information?

II. Purpose of this Proposed Action

A. Overview

B. Authority for Proposed Action

C. Rationale for Proposed Action

III. Background

A. FIPs Under the Indian Country Minor NSR Rule

B. Uinta Basin Air Quality and Intended Nonattainment Designation

IV. Summary of Proposed Amendments

V. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs

C. Paperwork Reduction Act (PRA)

D. Regulatory Flexibility Act (RFA)

E. Unfunded Mandates Reform Act (UMRA)

F. Executive Order 13132: Federalism

G. Executive Order 13175: Consultation and Coordination with Indian Tribal Governments

H. Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use

J. National Technology Transfer and Advancement Act (NTTAA)

K. Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

I. General Information

A. What entities are potentially affected by this action?

Entities potentially affected by this proposal include the Ute Indian Tribe,¹ as well as new and modified true minor sources that are in the oil and natural gas production and natural gas processing segments of the oil and natural gas sector and are on Indian country² lands within the U&O Reservation. All of the Ute Indian Tribe Indian country lands of which the EPA is aware are located within the exterior boundaries of the Reservation, and these amendments will apply to all such lands. To the extent that there are Ute Indian Tribe dependent Indian communities under 18 U.S.C. 1151(b) or allotted lands under 18 U.S.C. 1151(c) that are located outside the exterior boundaries of the Reservation, those lands will not be covered by these amendments.³ In

¹ The Ute Indian Tribe is a federally recognized tribe organized under the Indian Reorganization Act of 1934, with a Constitution and By-Laws adopted by the Tribe on December 19, 1936, and approved by the Secretary of the Interior on January 19, 1937. *See* Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs, 82 FR 4915 (January 17, 2017); 48 Stat. 984, 25 U.S.C. 5123 (IRA); Constitution and By-Laws of the Ute Indian Tribe of the Uintah and Ouray Reservation, available at <https://www.loc.gov/law/help/american-indian-const/PDF/37026342.pdf>.

² Indian country is defined at 18 U.S.C. 1151 as: (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

³ Under the Clean Air Act (CAA), lands held in trust for the use of an Indian tribe are reservation lands within the definition at 18 U.S.C. 1151(a), regardless of whether the land is formally designated as a reservation. *See* Indian Tribes: Air Quality Planning and Management, 63 FR 7254, 7258 (1998) (“Tribal Authority Rule”); *Arizona Pub. Serv. Co. v. EPA*, 211 F.3d 1280, 1285-86 (D.C. Cir. 2000). The EPA’s references in this FIP to Indian country lands within the exterior boundaries of the U&O Reservation include any such tribal trust lands that may be acquired by the Ute Indian Tribe. In addition, in 2014, the U.S. Court of Appeals for the D.C. Circuit addressed EPA’s authority to promulgate a FIP establishing certain CAA permitting programs in Indian country. *Oklahoma Dept. of Environmental Quality v. EPA*, 740 F.3d 185 (D.C. Cir. 2014). In that case, the court recognized the EPA’s authority to promulgate a FIP to directly administer CAA programs on Indian reservations, but invalidated the FIP at issue as applied to non-reservation areas of Indian country in the absence of a demonstration of an Indian tribe’s jurisdiction over such non-reservation area. Because the current proposed rule would apply only on Indian country lands that are within the exterior boundaries of the U&O Reservation, *i.e.*, on Reservation lands, it is unaffected by the *Oklahoma* court decision.

addition, this proposed rule will not apply to any sources not on Indian country lands, including any areas within the exterior boundaries of the Reservation that are not Indian country lands.⁴

TABLE 1 – SOURCE CATEGORIES AFFECTED BY THIS ACTION

Industry Category	NAICS Code ^a	Examples of Regulated Entities/ Description of Industry Category
Oil and Natural Gas Production/Operations	21111	<p>Exploration for crude petroleum and natural gas; drilling, completing, and equipping wells; operation of separators, emulsion breakers, desilting equipment, and field gathering lines for crude petroleum and natural gas; and all other activities in the preparation of oil and natural gas up to the point of shipment from the producing property.</p> <p>Production of crude petroleum, the mining and extraction of oil from oil shale and oil sands, the production of natural gas, sulfur recovery from natural gas, and the recovery of hydrocarbon liquids from oil and natural gas field gases.</p>

⁴ As a result of a series of federal court decisions, there are some areas within the exterior boundaries of the Uintah and Ouray Indian Reservation that are not Indian country lands. See *Ute Indian Tribe v. Utah*, 521 F. Supp. 1072 (D. Utah 1981); *Ute Indian Tribe v. Utah*, 716 F.2d 1298 (10th Cir. 1983); *Ute Indian Tribe v. Utah*, 773 F.2d 1087 (10th Cir. 1985) (en banc), cert. denied, 479 U.S. 994 (1986); *Hagen v. Utah*, 510 U.S. 399 (1994); *Ute Indian Tribe v. Utah*, 935 F. Supp. 1473 (D. Utah 1996); *Ute Indian Tribe v. Utah*, 114 F.3d 1513 (10th Cir. 1997), cert. denied, 522 U.S. 1107 (1998); *Ute Indian Tribe v. Utah*, 790 F.3d 1000 (10th Cir. 2015), cert. denied, 136 S. Ct. 1451 (2016); and *Ute Indian Tribe v. Myton*, 835 F.3d 1255 (10th Cir. 2016), cert. denied, 137 S. Ct. 2328 (2017).

Industry Category	NAICS Code ^a	Examples of Regulated Entities/ Description of Industry Category
Crude Petroleum and Natural Gas Extraction	211111	Exploration, development and/or the production of petroleum or natural gas from wells in which the hydrocarbons will initially flow or can be produced using normal pumping techniques or production of crude petroleum from surface shales or tar sands or from reservoirs in which the hydrocarbons are semisolids.
Natural Gas Liquid Extraction	211112	Recovery of liquid hydrocarbons from oil and natural gas field gases; and sulfur recovery from natural gas.
Drilling Oil and Natural Gas Wells	213111	Drilling oil and natural gas wells for others on a contract or fee basis, including spudding in, drilling in, redrilling, and directional drilling.
Support Activities for Oil and Natural Gas Operations	213112	Performing support activities on a contract or fee basis for oil and natural gas operations (except site preparation and related construction activities) such as exploration (except geophysical surveying and mapping); excavating slush pits and cellars, well surveying; running, cutting, and pulling casings, tubes, and rods; cementing wells, shooting wells; perforating well casings; acidizing and chemically treating wells; and

Industry Category	NAICS Code ^a	Examples of Regulated Entities/ Description of Industry Category
Engines (Spark Ignition and Compression Ignition) for Electric Power Generation	22111	cleaning out, bailing, and swabbing wells. Provision of electric power to support oil and natural gas production where access to the electric grid is unavailable.

^a North American Industry Classification System.

This list is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be potentially affected by this action. To determine whether your facility could be affected by this action, you should examine the applicability criteria in the Federal Minor NSR Program in Indian Country and the National O&NG FIP (40 Code of Federal Regulations (CFR) 49153 and 49.101, respectively). If you have any questions regarding the applicability of this action to a particular entity, contact the appropriate person listed in the **FOR FURTHER INFORMATION CONTACT** section.

B. Where can I get a copy of this document and other related information?

In addition to being available in the docket, an electronic copy of this final rule will also be available on the World Wide Web. Following signature by the EPA Administrator, a copy of this final rule will be posted in the regulations and standards section of our NSR home page located at <http://www.epa.gov/nsr> and on the tribal NSR page at <https://www.epa.gov/tribal-air/tribal-minor-new-source-review>.

II. Purpose of this Proposed Action

A. Overview

In this action, the EPA is proposing to exercise its authority, in accordance with section 110(a)(2)(C) of the CAA and under sections 301(a) and 301(d)(4) of the CAA and 40 CFR 49.11

by amending the National O&NG FIP⁵ to extend it to eligible true minor oil and natural gas sources in the Indian country portion of the intended Uinta Basin Ozone Nonattainment Area, which includes making it available as a mechanism for authorizing construction in that area. (The Indian country lands within the Uinta Basin to which these amendments would apply are on the U&O Reservation.)

The National O&NG FIP provides a mechanism for authorizing construction for eligible true minor oil and natural gas sources wishing to locate or expand in areas of Indian country designated as attainment, unclassifiable and attainment/unclassifiable. The counties in the Uinta Basin are currently designated as unclassifiable with respect to the 2008 ozone National Ambient Air Quality Standards (NAAQS)⁶ and, as such, owners/operators of eligible oil and natural gas sources on Indian country lands within the U&O Reservation have been utilizing the National O&NG FIP's streamlined approach to satisfy permitting requirements since August 2, 2016, when the FIP became effective. However, the EPA has announced its intention to designate portions of the Uinta Basin, including the U&O Reservation, as nonattainment for the 2015

⁵ "Federal Implementation Plan for True Minor Sources in Indian Country in the Oil and Natural Gas Production and Natural Gas Processing Segments of the Oil and Natural Gas Sector; Amendments to the Federal Minor New Source Review Program in Indian Country to Address Requirements for True Minor Sources in the Oil and Natural Gas Sector," U.S. Environmental Protection Agency, 81 FR 35943, June 3, 2016, <https://www.gpo.gov/fdsys/pkg/FR-2016-06-03/pdf/2016-11969.pdf>.

⁶ "Air Quality Designations for the 2008 Ozone National Ambient Air Quality Standards; Implementation of the 2008 National Ambient Air Quality Standards for Ozone: Nonattainment Area Classifications Approach, Attainment Deadlines and Revocation of the 1997 Ozone Standards for Transportation Conformity Purposes," U.S. Environmental Protection Agency, 77 FR 30087, May 21, 2012, <https://www.gpo.gov/fdsys/pkg/FR-2012-05-21/pdf/2012-11618.pdf>.

ozone NAAQS.^{7,8}

The Uinta Basin is a petroleum producing system that contains thousands of active oil and natural gas wells, and existing oil and natural gas production activity is the primary source of the emissions of concern for air quality: volatile organic compounds (VOC) and nitrogen oxides (NO_x), ozone precursors that react to form ozone in the presence of sunlight and widespread snow cover. The Uinta Basin's air quality problem is wintertime ozone caused by these existing sources' emissions. However, because the agency is under a court order to finalize the Basin's designation with respect to the 2015 ozone NAAQS by April 30, 2018,⁹ and because the agency intends to designate some portions of the Basin as nonattainment, including portions of the U&O Reservation, under the National O&G FIP, in its current form, the Indian country portions of the Basin (U&O Reservation) will fall out of that FIP's coverage. Thus, the area will lack a streamlined mechanism to authorize construction of true minor new and modified oil and natural gas sources. This will immediately cause a disparity in the regulatory landscape facing such activity in the affected area, as compared to all other areas of Indian country that will remain covered by the FIP—even though the Basin's air quality problem that drives the impending nonattainment designation will not manifest until the winter.

With this proposed action, the EPA is proposing to ensure that the National O&NG FIP's requirements to comply with eight federal rules (and the mechanism for authorizing

⁷ The EPA intends to make final designation determinations for the areas of the country addressed by the EPA responses to state and tribal area boundary recommendations (which cover the Uinta Basin region) no earlier than 120 days from the date (December 21, 2017) the EPA notified states and tribes of the agency's intended designations.

⁸ "EPA Responses to Certain State Designation Recommendations for the 2015 Ozone National Ambient Air Quality Standards: Notice of Availability and Public Comment Period," U.S. Environmental Protection Agency, 83 FR 651, January 5, 2018, <https://www.gpo.gov/fdsys/pkg/FR-2018-01-05/pdf/2018-00024.pdf>.

⁹ In re Ozone Designation Litigation, No. 17-cv-06900-HSG (N.D. Cal. March 12, 2018).

construction) will continue to apply on the U&O Reservation, recognizing that the geographically limited extension of the National O&NG FIP to the area is occurring while the EPA moves quickly to complete a separate rulemaking to further address the air quality problem on the U&O Reservation.

The separate EPA rulemaking¹⁰ addressing air quality is a reservation-specific FIP action that will contain requirements to reduce ozone-forming emissions from new, modified and existing oil and natural gas sources on Indian country lands within the U&O Reservation. The rulemaking will seek to achieve three goals for the Indian country portion of the Uinta Basin: (1) clean air; (2) continued, uninterrupted development of the oil and natural gas resources; and (3) consistent CAA regulatory requirements between Indian country lands within the U&O Reservation and lands under state of Utah jurisdiction. Through that rulemaking, the EPA will address the Uinta Basin's particular situation in an area-specific manner; this proposal today seeks to bridge the gap in authority that the nonattainment designation will cause during the interim period where the designation will be in place, but the environmental needs requiring area-specific treatment have not yet materialized.

B. Authority for Proposed Action

CAA section 110(a)(2)(C) is part of the foundation for the minor NSR program, and it requires states to submit plans that include programs for the regulation of "the modification and construction of any stationary source."¹¹ CAA section 110(c) authorizes the EPA to promulgate

¹⁰ The rulemaking is listed on the Office of Management and Budget's Unified Agenda of Regulatory and Deregulatory Actions. For more information, go to: <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201710&RIN=2008-AA03>. In the Agenda, the rulemaking appears as: "Federal Implementation Plan for Oil and Natural Gas Sources; Uintah and Ouray Indian Reservation in Utah."

¹¹ Section 110(a)(2)(C) of the CAA requires state plans to include "a program to provide for the...regulation of the modification and construction of any stationary source within the areas

a Federal implementation plan in the absence of a satisfactory state plan. CAA section 301(a) generally authorizes the EPA to prescribe regulations as are necessary to carry out its functions under the Act.

Section 301(d) of the CAA authorizes the EPA to treat Indian tribes in the same manner as states and directs the EPA to promulgate regulations specifying those provisions of the CAA for which such treatment is appropriate. (CAA sections 301(d)(1) and (2)). It also authorizes the EPA, in circumstances in which the EPA determines that the treatment of Indian tribes as identical to states is inappropriate or administratively infeasible, to provide by regulation other means by which the EPA will directly administer the CAA. (CAA section 301(d)(4)). Acting principally pursuant to that authority, on February 12, 1998,¹² the EPA promulgated what we refer to as the Tribal Authority Rule (TAR). (40 CFR 49.1 – 49.11). In the TAR, we determined that it was appropriate to treat tribes in the same manner as states for all CAA and regulatory purposes except a list of specified CAA provisions and implementing regulations thereunder. (40 CFR 49.4).

The TAR preamble clarified that by including CAA section 110(c)(1) on the §49.4 “exception” list, “EPA is not relieved of its general obligation under the CAA to ensure the protection of air quality throughout the nation, including throughout Indian country.” The preamble confirmed that the “EPA will continue to be subject to the basic requirement to issue a FIP for affected tribal areas within some reasonable time.”¹³ The TAR includes a provision that

covered by the plan as necessary to assure that national ambient air quality standards are achieved, including a permit program as required in parts C and D of this subchapter.”

¹² “Indian Tribes: Air Quality Planning and Management,” U.S. Environmental Protection Agency, 63 FR 7254, February 12, 1998, <http://www.gpo.gov/fdsys/pkg/FR-1998-02-12/pdf/98-3451.pdf>.

¹³ See CAA section 301(a) and 63 FR 7254, 7265, February 12, 1998, <http://www.gpo.gov/fdsys/pkg/FR-1998-02-12/pdf/98-3451>.

provides the EPA the authority to promulgate a Federal implementation plan in the absence of a satisfactory tribal plan. (40 CFR 49.11(a)).

On August 21, 2006, the EPA proposed the regulation: “Review of New Sources and Modifications in Indian Country” (commonly referred to as the Federal Indian Country NSR rule).¹⁴ With this proposed regulation, the EPA proposed to protect air quality in Indian country, as defined in 18 U.S.C. 1151, by establishing a FIP program to regulate, among other matters, the modification and construction of minor stationary sources consistent with the authorities and requirements of sections 301 and 110(a)(2)(C) of the CAA. We refer to this part of the Federal Indian Country NSR rule as the Federal Indian Country Minor NSR rule. Under the Federal Indian Country Minor NSR rule, we proposed to provide a mechanism for issuing pre-construction permits for the construction of new minor sources and certain modifications of major and minor sources in Indian country. We promulgated a final rule on July 1, 2011,¹⁵ and the rule became effective on August 30, 2011. The Federal Indian Country Minor NSR rule applies to new and modified minor stationary sources and to minor modifications at existing major stationary sources located in Indian country where there is no EPA-approved program in place for all new and modified minor sources and minor modifications at major sources located in areas covered by the Federal Indian Country Minor NSR rule.

Tribes can elect to develop and implement their own EPA-approved program under the

¹⁴ “Review of New Sources and Modifications in Indian Country,” U.S. Environmental Protection Agency, 71 FR 48696, August 21, 2006, <https://www.gpo.gov/fdsys/pkg/FR-2006-08-21/pdf/06-6926.pdf>.

¹⁵ “Review of New Sources and Modifications in Indian Country,” U.S. Environmental Protection Agency, 76 FR 38748, July 1, 2011, <https://www.gpo.gov/fdsys/pkg/FR-2011-07-01/pdf/2011-14981.pdf>.

TAR,¹⁶ but they are not required to do so.¹⁷ In the absence of an approved program, the EPA implements this program. Alternatively, tribes can take delegation of the program from the EPA to assist the EPA with administration of the federal program, including acting as the Reviewing Authority for the EPA.

Under the Federal Indian Country Minor NSR rule, initially beginning September 2, 2014,¹⁸ any new stationary source, that will emit, or will have the potential to emit, a regulated NSR pollutant in amounts that will be: (a) equal to or greater than the minor NSR thresholds established in the Federal Indian Country Minor NSR rule; but (b) less than the amount that would qualify the source as a major source or a major modification for purposes of the Prevention of Significant Deterioration (PSD) or nonattainment major NSR programs, must apply for and obtain a minor NSR permit before beginning construction of the new source. Likewise, any existing stationary source (minor or major) must apply for and obtain a minor NSR permit before beginning construction (a physical or operational change) that will increase the allowable emissions of the stationary source by more than the specified threshold amounts, if the change does not otherwise trigger the permitting requirements of the PSD or nonattainment major NSR program(s).¹⁹ The Federal Indian Country Minor NSR rule also created a framework

¹⁶ To obtain eligibility to develop and implement an EPA-approved plan, under the TAR a tribe must meet four requirements: (1) be a federally recognized tribe, (2) have a functioning government, (3) have the legal authority and (4) have the capacity to run the program. For more information, see 63 FR 7254, February 12, 1998, <http://www.gpo.gov/fdsys/pkg/FR-1998-02-12/pdf/98-3451.pdf>.

¹⁷ Under tribal law, tribes may also be able to establish permit fees under a tribal permitting program, as do most states.

¹⁸ For true minor sources in the oil and natural gas sector, this date was extended twice. The final date of October 3, 2016, was included in the National O&NG FIP.

¹⁹ A source may, however, be subject to certain monitoring, recordkeeping and reporting (MRR) requirements under the major NSR programs, if the change has a reasonable possibility of resulting in a major modification. A source may be subject to both the Federal Indian Country Minor NSR rule and the reasonable possibility MRR requirements of the major NSR program(s).

for the EPA to streamline the issuance of pre-construction permits to true minor sources by using general permits.

In promulgating the National O&NG FIP we determined that it was appropriate to promulgate a FIP to remedy an existing regulatory gap with respect to oil and natural gas production and natural gas processing operations in areas covered by the Federal Indian Country Minor NSR rule where there is no EPA-approved plan in place. The authority that underlies and supports the National O&NG FIP (as well as the Federal Indian Country Minor NSR FIP) also authorizes this proposed action, which simply would amend the National O&NG FIP. In summary, just as we had the authority to establish the National O&NG FIP, we believe that we have authority under the CAA (§§ 301(a), 301(d)(4) and 110(a)(2)(C)) and regulatory authority under the TAR (40 CFR 49.1 – 49.11) to carry out this action and extend the applicability of the National O&NG FIP to the Indian country portion of the Uinta Basin Ozone Nonattainment Area. As described above, the CAA provides broad authority to manage air resources throughout Indian country, regardless of area designation under the CAA. This is well established authority and we have exercised it on many occasions, including to regulate activity in areas of Indian country designated nonattainment. Foremost, the Agency is responsible for ensuring that NAAQS are achieved throughout Indian country and to implement CAA programs in Indian country that tribal governments do not elect to implement. This proposed action is consistent with and supported by our successful use of these authorities in these prior actions.

Finally, in light of the intended, pending final designation of nonattainment for the Uinta Basin for the 2015 ozone NAAQS, this action is consistent with the CAA general provisions for nonattainment areas in CAA sections 172(b) and 172(c), which include references to CAA section 110(a)(2), as well as the major source nonattainment NSR permitting program in CAA

section 173. This proposed action is consistent with CAA section 110(a)(2)(C), which requires that implementation plans include programs for all areas (attainment and nonattainment) that provide for the regulation of the modification and construction of any stationary source “as necessary to assure that national ambient air quality standards are achieved” for the reasons discussed elsewhere in this notice. In addition, CAA sections 172 and 173 provide that programs relating to permits to construct for major sources should take into consideration emissions from existing sources, as well as new or modified sources that “are not major emitting facilities,” i.e., new or modified minor sources. Thus, the emissions from minor sources covered by this action would be considered in CAA section 173 major source permitting actions in the intended Uinta Basin Ozone Nonattainment Area, though they are not directly subject to regulation under CAA sections 172 and 173.²⁰

C. Rationale for Proposed Action

In the preamble to the final National O&NG FIP, we made clear that we could extend the geographic coverage of the FIP to nonattainment areas, provided that we also addressed existing, new and modified sources in a separate, reservation-specific FIP. We stated the need to develop area-specific plans if and when areas of Indian country become nonattainment. Further, we specifically noted concern about the air quality problem in the Uinta Basin and indicated our intent to propose a separate reservation-specific FIP to address the issue.

The extension of the National O&NG FIP proposed in this notice will, if finalized, provide coverage under the National O&NG FIP for Indian country portion of the intended Uinta basin Ozone Nonattainment Area after EPA’s intended designation of portions of the Uinta

²⁰ The Federal Indian Country NSR rule also provides for major source permitting in nonattainment areas in Indian country. See 76 FR 38748, July 1, 2011, <https://www.gpo.gov/fdsys/pkg/FR-2011-07-01/pdf/2011-14981.pdf>

Basin as being in nonattainment of the 2015 ozone NAAQS, which the EPA intends to issue by April 30, 2018. We indicated in the preamble to the final National O&NG FIP that we intended “to potentially apply the national FIP’s requirements as appropriate to nonattainment areas where the EPA has established a separate, area-specific FIP.”²¹ The EPA does intend to do just that for the Indian country portion of the intended Uinta Basin Ozone Nonattainment Area, but in the meantime we are proposing this action. The agency believes that this approach is reasonable in light of the following considerations.

First, as noted above, the EPA is moving quickly to undertake a separate rulemaking to establish a U&O Reservation-specific FIP for the area. We intend to complete this other action – the U&O Reservation-specific FIP – before the start of the 2018-2019 winter ozone season in the Uinta Basin. Our intent is for the FIP to contain VOC emissions control requirements that will apply to existing, new and modified minor oil and natural gas sources on the U&O Reservation. Our intent is for some of those requirements (i.e., VOC requirements on new and modified minor sources) to apply before the start of the 2018-2019 winter ozone season on the U&O Reservation, by which time we expect the final U&O Reservation-specific FIP to be effective with the requirements on existing oil and natural gas minor sources to follow. It should also be noted that preliminary monitoring data from the current 2017-2018 winter ozone season from across the region show values well below the 2015 ozone NAAQS.²²

Second, the relatively short, initial period of time before a U&O Reservation-specific FIP is in place during which the National O&NG FIP will apply to the U&O Reservation (as part of

²¹ See 81 FR 35943, 35946, June 3, 2016, <https://www.gpo.gov/fdsys/pkg/FR-2016-06-03/pdf/2016-11969.pdf>.

²² See spreadsheet titled: “Uinta Basin Ozone Data, Dec. 2017-Feb. 2018,” Docket No. EPA-HQ-OAR-2014-0606.

the expected Uinta Basin Ozone Nonattainment Area), will be before the Uinta Basin winter ozone season. As noted above, the Uinta Basin does not have a summertime ozone air quality problem. We are, therefore, confident that – with this action – the eight emissions standards that apply to oil and natural gas sources under the National O&NG FIP will continue to be adequately protective of air quality in the U&O Reservation while we complete the separate rulemaking to establish a U&O Reservation-specific FIP, all of which we expect to occur before the start of the 2018-2019 winter ozone season in the Uinta Basin.

Finally, the two-part approach we are taking is similar to the process that occurs under the CAA when an area within a state is designated nonattainment: a plan addressing the air quality problem is not due to the EPA until a period of time after an area is designated nonattainment. Thus, the approach we are presenting here, we believe, is reasonable.

We also believe that this action – along with the EPA’s related, forthcoming action to reduce oil and natural gas source emissions in the area – will address the air quality problem on the U&O Reservation, while maintaining a mechanism for authorizing construction that helps ensure continued oil and natural gas production on the U&O Reservation in compliance with the eight federal rules that apply to true minor oil and natural gas sources under the FIP.²³ Based on feedback from Ute Indian Tribe leadership, continued oil and natural gas production is important for the maintenance of the local tribal economy, as the Ute Indian Tribe is dependent upon oil and natural gas revenue for its economic prosperity. Because the action we propose today will avoid disruption of that activity during the period before the wintertime ozone problem

²³ This includes the EPA’s New Source Performance Standards (NSPS) for oil and natural gas sources (40 CFR part 60, subpart OOOO) with affected facilities that commenced construction, modification or reconstruction after August 23, 2011. The standard includes emissions standards for VOC and sulfur dioxide (SO₂) from a number of units, including storage tanks, compressors, and pneumatic controllers.

manifests, while the EPA works to promulgate an area-specific protective measure to address that problem, the agency believes this course of action will appropriately protect the Basin's environment without causing unnecessary disruption to its economy.

We are proposing that the extension of the National O&NG FIP to eligible true minor oil and natural gas sources in the Indian country portion of the intended Uinta Basin Ozone Nonattainment Area be permanent. However, we also are seeking comment on whether, instead, it should be temporary and expire before the onset of the 2018-2019 ozone season. We seek comment on whether the extension should be temporary, in light of the facts surrounding the Uinta Basin's situation as described above and with respect to: (1) this proposed action, (2) its impending nonattainment designation, and (3) the forthcoming area-specific FIP.

In particular, we seek comment on how the EPA can protect air quality on the U&O Reservation and ensure continued oil and natural gas development under two general scenarios. In the first scenario, we finalize the extension as permanent, as proposed, but we do not complete the U&O Reservation-specific FIP by the start of the 2018-2019 Uinta Basin winter ozone season. A concern may be that continuing to allow the Uinta Basin Ozone Nonattainment Area to be covered by the National O&NG FIP in the absence of any emissions reductions that may be associated with the U&O Reservation-specific FIP. We seek comment relating to this scenario, including on what the Agency could do in this action, when finalized, to mitigate possible impacts.

In another scenario, we, instead finalize the extension as temporary and we set it to expire at the end of calendar year 2018, say, but we do not complete the U&O Reservation-specific FIP by the start of the 2018-2019 Uinta Basin winter ozone season. Here, the concern would be the effect on oil and natural gas activity on the U&O Reservation, if the area loses coverage under

the National O&NG FIP. In the absence of other measures, sources in the Indian country portion of Uinta Basin Ozone Nonattainment Area (the U&O Reservation) would need to obtain source-specific minor source permits in order to construct and operate. Oil and natural gas owners and operators in the U&O reservation and the Ute Indian Tribe have significant concerns about delays associated with this type of permitting. As noted above, the Ute Indian Tribe relies on revenue from oil and natural gas activity for its livelihood and has expressed concerns about the lengthier timeframes associated with EPA approvals under source-specific permitting. We seek comment relating to this scenario, including on what the Agency could do to mitigate possible impacts.

III. Background

A. FIPs Under the Indian Country Minor NSR Rule

1. Federal Indian Country Minor NSR Rule

As noted above, CAA section 301(d)(4) authorizes the EPA to issue regulations directly administering, in Indian country, provisions of the Act. Exercising its authority, including its authority under 301(d)(4), the EPA promulgated the Federal Indian Country Minor NSR rule, a type of FIP. We identified a regulatory gap that could have the effect of adversely impacting air quality due to the lack of approved minor NSR permit programs to regulate construction of new and modified minor sources and minor modifications of major sources in areas covered by the Federal Indian Country Minor NSR rule. The EPA promulgated the FIP to ensure that air resources are protected by establishing a preconstruction permitting program to regulate emission increases resulting from construction and modification activities that are not already regulated by the major NSR permitting programs.

2. National O&NG FIP

Following the issuance of the Federal Indian Country Minor NSR FIP, EPA proposed the National O&NG FIP.²⁴ Because there were no currently approved TIPs specifically applying to the issuance of general permits with respect to the reduction of emissions related to oil and natural gas production facilities, we proposed a FIP to protect air quality in areas covered by the Federal Indian Country Minor NSR rule. The National O&NG FIP was published in final form on June 3, 2016.²⁵ The National O&NG FIP adopted legally and practicably enforceable requirements to control and reduce air emissions from oil and natural gas production.

The National O&NG FIP was developed to protect air quality in Indian country due to the impact of new true minor sources and minor modifications at existing true minor sources in the oil and natural gas production and natural gas processing segments of the oil and natural gas sector that are locating or expanding in an Indian reservation or in another area of Indian country over which a tribe, or the EPA, has demonstrated that the tribe has jurisdiction. The FIP applies to new and modified true minor sources that are located or expanding in such areas of Indian country designated as attainment, unclassifiable or attainment/unclassifiable. It currently does not apply to new and modified true minor sources that are located or expanding in such areas of Indian country designated nonattainment. However, this action proposes to extend the National O&NG FIP's geographic coverage to the Uinta Basin Ozone Nonattainment Area. The FIP does not apply to minor modification of major sources; such sources are required to obtain a source-specific permit prior to beginning construction, per the Federal Indian Country Minor NSR rule.

²⁴ "Review of New Sources and Modifications in Indian Country: Federal Implementation Plan for Managing Air Emissions from True Minor Sources Engaged in Oil and Natural Gas Production in Indian Country," U.S. Environmental Protection Agency, 80 FR 56553, September 18, 2005, <https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-21025.pdf>.

²⁵ See 81 FR 35943, 35946, June 3, 2016, <https://www.gpo.gov/fdsys/pkg/FR-2016-06-03/pdf/2016-11969.pdf>.

The National O&NG FIP fulfills the EPA's obligation under the Federal Indian Country Minor NSR rule to issue minor source NSR pre-construction permits to oil and natural gas sources. The National O&NG FIP provides a streamlined, alternative approach that fulfills the permitting requirement, while also ensuring air quality protection through requirements that are unambiguous and legally and practicably enforceable. The FIP approach is also transparent to the public: it is clear to the public what requirements will apply. The FIP reduces burden for sources and the Reviewing Authority and minimizes potential delays in new construction due to compliance with the minor NSR permitting obligation. True minor sources in the oil and natural gas production and natural gas processing segments of the oil and natural gas sector are required to comply with the FIP instead of obtaining a source-specific minor source permit, unless a source chooses to opt out of the FIP and to obtain a source-specific minor NSR permit instead.

Under the FIP, we require owners/operators of oil and natural gas production facilities and natural gas processing plants to comply with eight federal standards to reduce emissions of VOC, NO_x, SO₂, particulate matter (PM, PM₁₀, PM_{2.5}), hydrogen sulfide, carbon monoxide and various sulfur compounds from the following units/processes in the oil and natural gas production and natural gas processing segments of the oil and natural gas sector: compression ignition and spark ignition engines; process heaters; combustion turbines; fuel storage tanks; glycol dehydrators; completion of hydraulically fractured oil and natural gas wells; reciprocating and centrifugal compressors (except those located at well sites); pneumatic controllers; pneumatic pumps; storage vessels; and fugitive emissions from well sites, compressor stations and natural gas processing plants. The oil and natural gas FIP requires compliance with five

NSPS and three national emission standards for hazardous air pollutants (NESHAP).²⁶ These regulations are listed in Table 2.

The eight regulations and the provisions of each that are included in the oil and natural gas FIP are discussed in more detail in this section. The FIP's requirements include emission standards (that contain emission limitations), monitoring, testing, recordkeeping and reporting. For purposes of the National O&NG FIP, true minor sources must comply with these standards, as they currently exist or as amended in the future, except for those provisions that we specifically exclude under the National O&NG FIP (unless the source opts out of the FIP and obtains a source-specific permit or is otherwise required to obtain a source-specific permit by the Reviewing Authority). Sources subject to the National O&NG FIP would be subject to any future changes to the eight underlying EPA standards only if they undergo a future minor modification as a true minor source and would otherwise be subject to those future changes. (The National O&NG FIP does not change the applicability of the specified standards, nor does it relieve sources subject to the standards from complying with them, independently of the National O&NG FIP.)

TABLE 2 – EIGHT FEDERAL RULES INCLUDED IN THE OIL AND NATURAL GAS FIP FOR INDIAN COUNTRY²⁷

²⁶ Though this FIP only addresses new and modified true minor sources, it is important to note that NESHAPs not only apply to new sources but to existing sources as well.

²⁷ Three of the eight rules are NESHAPs. Our basis for requiring compliance with NESHAPs in this rule that is designed to fulfill requirements of the Federal Indian Country Minor NSR rule is to address emissions of criteria pollutants. The requirements from the NESHAPs are included because they effectively control emissions of all VOC, not just those that are also hazardous air pollutants. VOC is an NSR-regulated pollutant of concern in the Federal Indian Country Minor NSR rule.

40 CFR Part and Subpart	Title of Subpart	Potentially Affected Sources in the Oil and Natural Gas Production and Natural Gas Processing Segments of the Oil and Natural Gas Sector	Location
40 CFR part 63, subpart DDDDD	National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters	Process heaters	http://www.ecfr.gov/cgi-bin/text-idx?SID=9f31077f895e9cb417f5386519941a47&mc=true&node=sp40.14.63.ddddd&rgn=div6
40 CFR part 63, subpart ZZZZ	Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines	Reciprocating Internal Combustion Engines	http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr;rgn=div6;view=text;node=40%3A14.0.1.1.1.1;idno=40;sid=e94dcfde4a04b27290c445a56e635e58;cc=ecfr
40 CFR part 60, subpart IIII	Standards of Performance for Stationary Compression Ignition Internal Combustion Engines	Compression Ignition Internal Combustion Engines	http://www.ecfr.gov/cgi-bin/text-idx?SID=9f31077f895e9cb417f5386519941a47&mc=true&node=sp40.7.60.iiii&rgn=div6
40 CFR part 60, subpart JJJJ	Standards of Performance for Stationary Spark Ignition Internal Combustion Engines	Spark Ignition Internal Combustion Engines	http://www.ecfr.gov/cgi-bin/text-idx?SID=9f31077f895e9cb417f5386519941a47&mc=true&node=sp40.7.60.jjjj&rgn=div6

40 CFR Part and Subpart	Title of Subpart	Potentially Affected Sources in the Oil and Natural Gas Production and Natural Gas Processing Segments of the Oil and Natural Gas Sector	Location
40 CFR part 60, subpart Kb	Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984	Fuel Storage Tanks	http://www.ecfr.gov/cgi-bin/text-idx?SID=9f31077f895e9cb417f5386519941a47&mc=true&node=sp40.7.60.k_0b&rgn=div6
40 CFR part 60, subpart OOOOa	Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification, or Reconstruction Commenced after September 18, 2015	Storage Vessels, Pneumatic Controllers, Compressors (Reciprocating and Centrifugal), Hydraulically Fractured Oil and Natural Gas Well Completions, Pneumatic Pumps and Fugitive Emissions from Well Sites and Compressor Stations	https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry/actions-and-notice-about-oil-and-natural-gas
40 CFR part 63, subpart HH	National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities	Glycol Dehydrators	http://www.ecfr.gov/cgi-bin/text-idx?SID=9f31077f895e9cb417f5386519941a47&mc=true&node=sp40.11.63.hh&rgn=div6
40 CFR part 60, subpart KKKK	Standards of Performance for New Stationary Combustion Turbines	Combustion Turbines	http://www.ecfr.gov/cgi-bin/text-idx?SID=4090b6cf5eea5cb67940a80906ff09a2&mc=true&node=sp40.7.60.kkkk&rgn=div6

3. National O&NG FIP and Areas of Comment the EPA Received Relevant to this Action

In the response to comments section of the preamble to the final rule establishing the National O&NG FIP, we addressed some issues that are related to this proposed action.²⁸ We provided that the FIP does not apply in a nonattainment area, but that it could, if we addressed existing sources in such an area.²⁹ We stated that, parallel to designating such an area is designated as nonattainment, we would promulgate an area-specific FIP for existing sources if we determine that it is “necessary or appropriate” to do so pursuant to the TAR.³⁰ We received comments concerning extending the geographic reach of the National O&NG FIP to nonattainment areas. Commenters were concerned with how permitting requirements would be satisfied in such areas during the transition period between the time an area is designated as nonattainment and the time a separate, area-specific FIP to control emissions adequately in such a nonattainment area is in place. The Uinta Basin was given as an example of where the absence of a streamlined means to satisfy permitting requirements during this transition period could pose problems. In response to the comments, we stated our intent to potentially apply the National O&NG FIP’s requirements as appropriate to nonattainment areas, where the EPA has established a separate, area-specific FIP. As discussed earlier, our proposed approach here is slightly different, in that the extension of the National O&NG FIP to the Uinta Basin nonattainment area may precede the separate, area-specific FIP for that area. However, our plan is for the separate,

²⁸ 81 FR 35943, June 3, 2016, <https://www.gpo.gov/fdsys/pkg/FR-2016-06-03/pdf/2016-11969.pdf>.

²⁹ In the preamble to the final National O&NG FIP we also indicated as a general matter - and not in response to comments - that new and modified sources also need to be addressed in reservation-specific FIPs (in addition to existing sources) when considering whether to extend the geographic coverage of the National O&NG FIP to nonattainment area. 81 FR 35943, 35964, 35968, June 3, 2016, <https://www.gpo.gov/fdsys/pkg/FR-2016-06-03/pdf/2016-11969.pdf>.

³⁰ 63 FR 7254, February 12, 1998, <http://www.gpo.gov/fdsys/pkg/FR-1998-02-12/pdf/98-3451.pdf>.

area-specific FIP to be in place before the next winter ozone season. Because, as discussed above, ozone problems in the Uinta Basin are limited to the winter season, we believe this approach is appropriately protective of air quality, without unduly impeding oil and natural gas activity in Indian Country.

In addition, we received comments recommending that we add monitoring and modeling requirements to the National O&NG FIP. Our response to those comments included a discussion about the state of air quality in areas of Indian country with oil and natural gas activity. With respect to air quality in areas of Indian country with oil and natural gas development, we noted in June 2016 when we promulgated the National O&NG FIP that we were not seeing widespread air quality problems in Indian country due to oil and natural gas activity. We mentioned in June 2016 that, in all of Indian country, only two counties in the Uinta Basin (including land within the U&O Reservation) had air quality problems due to oil and natural gas activity. That is still the case and is discussed further in Section III.C. We had (and still have) sufficient concerns about the air quality impacts from existing sources in that area that we intend to soon propose a separate reservation-specific FIP, which, as noted above, is expected to be in place before next winter's ozone season.

B. Uinta Basin Air Quality and Intended Nonattainment Designation

On October 1, 2015, the EPA promulgated revised primary and secondary ozone NAAQS.³¹ The EPA strengthened both standards to a level of 0.070 parts per million (ppm). In accordance with section 107(d) of the CAA, whenever the EPA establishes a new or revised NAAQS, the EPA must promulgate designations for all areas of the country for that NAAQS.

³¹ "National Ambient Air Quality Standards for Ozone," U.S. Environmental Protection Agency, 80 FR 65292, October 26, 2015, <https://www.gpo.gov/fdsys/pkg/FR-2015-10-26/pdf/2015-26594.pdf>.

The EPA must complete this process within 2 years of promulgating the NAAQS, unless the Administrator has insufficient information to make the initial designations decisions in that time frame. In such circumstances, the EPA may take up to 1 additional year to complete the designations. Under CAA section 107(d), states were required to submit area designation recommendations to the EPA for the 2015 ozone NAAQS no later than 1 year following promulgation of the standards (i.e., by October 1, 2016).

On September 29, 2016, the state of Utah provided designation recommendations for counties in Utah based on air quality data from 2013-2015. The state recommended a designation of nonattainment for townships in the counties of Duchesne and Uintah under state air jurisdiction that are at and below the 6,000-ft elevation. On February 26, 2018, the state of Utah provided further input on the nonattainment boundaries. On September 27, 2016, the Ute Indian Tribe of the Uintah and Ouray Reservation recommended that the Indian country area at an unspecified distance around the Ouray ozone monitor in the Uinta Basin be designated as nonattainment for the 2015 ozone NAAQS based on air quality data from 2013-2015. However, the Tribe recommended a designation of attainment for all of Indian country in the Uinta Basin, assuming the EPA concurs with an exceptional event package submitted to the agency (by the Tribe) covering two days in June 2015.

On December 20, 2017, in our response to the state and tribal designation boundary recommendations, we indicated our intent to modify the state's and tribe's recommendations for the Uinta Basin area. We provided the intended boundary in a Technical Support Document.³² In

³² Utah: Northern Wasatch Front, Southern Wasatch Front, and Uinta Basin Intended Area Designations for the 2015 Ozone National Ambient Air Quality Standards Technical Support Document (TSD)," U.S. Environmental Protection Agency, December 20, 2017, https://www.epa.gov/sites/production/files/2018-01/documents/ut_120d_tsd.pdf.

short, the EPA's boundary for the intended nonattainment area for the Uinta Basin includes both state and Indian country lands within portions of Duchesne and Uintah Counties. A comment period followed the EPA's statement on its intended nonattainment boundaries for the Uinta Basin and other areas.³³

IV. Summary of Proposed Amendments

This action proposes to amend the National O&NG FIP to extend its application to eligible true minor oil and natural gas sources in the Indian country portion of the intended Uinta Basin Ozone Nonattainment Area, which includes its mechanism for authorizing construction. We also are proposing to make a technical correction to fix a typographical error in §49.101(c).

First, this action proposes to add a new subparagraph to the CFR, to be codified at §49.101(e). In the new subparagraph, we are proposing to narrowly extend the geographic scope of the National O&NG FIP to cover eligible true minor oil and natural gas sources wishing to locate or expand in the Indian country portion (U&O Reservation) of the intended Uinta Basin Ozone Nonattainment Area.³⁴ This proposed extension of coverage to this one nonattainment area does not alter the FIP's current geographic coverage of attainment, unclassifiable and attainment/unclassifiable areas with regard to the rest of Indian country across the nation. The proposed, geographically limited extension is in addition to the current coverage. Under this proposed amendment, true minor oil and natural gas sources in the oil and natural gas production and natural gas processing segments of the oil and natural gas sector wishing to locate or expand

³³ 83 FR 651, January 5, 2018, <https://www.gpo.gov/fdsys/pkg/FR-2018-01-05/pdf/2018-00024.pdf>.

³⁴ Utah: Northern Wasatch Front, Southern Wasatch Front, and Uinta Basin Intended Area Designations for the 2015 Ozone National Ambient Air Quality Standards Technical Support Document (TSD)," U.S. Environmental Protection Agency, December 20, 2017, https://www.epa.gov/sites/production/files/2018-01/documents/ut_120d_tsd.pdf.

in the Indian country portion of the intended Uinta Basin Ozone Nonattainment Area would also have to meet the criteria under §49.101(b)(1) to qualify, except for §49.101(b)(1)(v). Section 49.101(b)(1)(v) contains the requirement governing the primary geographic scope of the FIP and not its limited extension to the intended Uinta Basin Ozone Nonattainment Area, and, thus, would not be relevant for such sources. In other words, the new paragraph 49.101(e) would displace existing 49.101(b)(1)(v) for Indian country within the intended Uinta Basin Ozone Nonattainment Area—and *only* for that area of Indian country.

To accomplish this extension, it is also necessary to define the boundaries of the intended Uinta Basin Ozone Nonattainment Area to which the National O&G FIP would apply if the EPA finalizes this proposed rule. To accomplish this, the EPA proposes to incorporate the boundaries for the intended nonattainment area for the Uinta Basin, or areas within the Uinta Basin, as defined at 40 CFR part 81, Designations of Areas for Air Quality Purposes.³⁵ The regulatory and other processes that have occurred within and outside the EPA and between the EPA and state and tribal governments govern the development and final decision on the boundaries for the intended Uinta Basin Ozone Nonattainment Area and not this action.

Second, this action proposes a technical correction to §49.101(c), which currently reads: “*When must I comply with §§49.101 through 49.105?* You must comply with §§49.101 through 49.101 on or after October 3, 2016.” This provision is supposed to reference §§49.101 through 49.105, as the title indicates. We are proposing to correct it to read: “*When must I comply with §§49.101 through 49.105?* You must comply with §§49.101 through 49.105 on or after October 3, 2016.” The EPA believes that this is a correction of a self-evident scrivener’s error and does not constitute a substantive change of the existing regulatory provision.

³⁵ Ibid.

V. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563:

Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was, therefore, not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs

This action is expected to be an Executive Order 13771 deregulatory action. This proposed rule is expected to provide meaningful burden reduction by extending the streamlined authorization-to-construct method for true minor new and modified oil and natural gas sources. The streamlined authorization, which was established by the EPA in 2016, reduces the resource burden on the permitting authority and regulated community associated with submitting and reviewing permit applications for these sources in attainment and unclassifiable areas. This action proposes to extend the streamlined authorization to the intended Uinta Basin Ozone Nonattainment Area.

C. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA. OMB has previously approved the information collection activities contained in the Federal Indian Country Minor NSR rule and has assigned OMB control number 2060-0003.³⁶ This action amends the National O&NG FIP which provides a mechanism for authorizing construction for true minor sources in the oil and natural gas production and natural gas processing segments of

³⁶ Since the Federal Indian Country Minor NSR rule was promulgated, the Information Collection Request has been renewed and approved by OMB twice. The most recent approval extended the ICR until October 31, 2020. The ICR covers the activities of the National O&NG FIP. For more information, go to:

https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201702-2060-005.

the oil and natural gas sector locating or located in areas covered by the Federal Indian Country Minor NSR rule to satisfy the requirements of that rule other than by obtaining a source-specific minor source permit. Because it substitutes for a source-specific permit, which would contain information collection activities covered by the Information Collection Request for Federal Indian Country Minor NSR rule issued in July 2011, neither the proposed amendments nor the National O&NG FIP impose any new obligations or enforceable duties on any state, local or tribal government or the private sector. In fact, the proposed amendments would have the effect of reducing paperwork burden on sources wishing to locate or expand in the Indian country portion of the Uinta Basin as the amendments provide an alternative to source-specific permitting for such sources.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule. The EPA analyzed the impact on small entities of streamlined permitting under the Federal Indian Country Minor NSR rule³⁷ and determined that it would not have a significant economic impact on a substantial number of small entities. (By allowing sources to avoid having to obtain source-specific permits, this proposed action also would relieve

³⁷ "Review of New Sources and Modifications in Indian Country," U.S. Environmental Protection Agency, 76 FR 38748, July 1, 2011, <https://www.federalregister.gov/articles/2011/07/01/2011-14981/review-of-new-sources-and-modifications-in-indian-country>.

regulatory burden.) This action merely implements a particular aspect of the Federal Indian Country Minor NSR rule. We have, therefore, concluded that this action will have no net regulatory burden for all directly regulated small entities.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandates, as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local or tribal government or the private sector. It simply modifies one option for sources to comply with the Federal Indian Country Minor NSR rule. The Federal Indian Country Minor NSR rule itself, not this proposed action, imposes the obligation that true minor sources in areas covered by the Federal Indian Country Minor NSR rule obtain a minor source NSR permit prior to commencing construction. This proposed action merely applies the National O&NG FIP to the U&O Reservation as part of the Uinta Basin Nonattainment Area, which includes a streamlined mechanism for authorizing construction for meeting the obligation of the Federal Indian Country minor NSR rule.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It would not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13175: Consultation and Coordination with Indian Tribal Governments

This action has tribal implications. However, it will neither impose substantial direct compliance costs on federally recognized tribal governments, nor preempt tribal law. Consistent

with the EPA Policy on Consultation and Coordination with Indian Tribes (May 4, 2011),³⁸ the EPA offered consultation on the concerns addressed in this proposed action, which include the lack of a streamlined permitting for the U&O Reservation should the area be designated nonattainment. The EPA conducted outreach on the issues addressed by the previous rule via ongoing monthly meetings with tribal environmental professionals in the development of the past proposed action,³⁹ and further as follows via: 1) tribal consultation with the Ute Indian Tribe Business Committee on July 22, 2015; December 17, 2016; November 13, 2017; and March 22, 2018, regarding options that the EPA considered in addressing the Uinta Basin air quality concerns; 2) stakeholder meetings where the Tribe was included and participated in emissions contributions discussions specific to the EPA's strategy for addressing the Uinta Basin air quality concerns; 3) ongoing stakeholder working group meetings; and 4) tribally-convened stakeholder meetings on March 22, 2017, and June 1-2, 2017.

This action reflects tribal concerns about, and priorities for, developing a streamlined approach for permitting true minor sources in the oil and natural gas sector in areas covered by the Federal Indian Country Minor NSR rule in the intended Uinta Basin Ozone Nonattainment Area. As these amendments, if finalized, are implemented, we will continue to provide regular outreach to tribes to ensure we address issues concerning the FIP if and when they arise. The EPA is available for consultation with any interested tribe.

H. Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks

³⁸ For more information, go to: <https://www.epa.gov/tribal/epa-policy-consultation-and-coordination-indian-tribes>.

³⁹ These monthly meetings are general in nature, dealing with many air-related topics, and are not specific to this proposed action.

This action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA)

This action does not involve technical standards.

K. Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

As discussed in Section II.B, we believe that this action is reasonable in light of our intended, separate rulemaking to establish a reservation-specific FIP and the expected short period of time before these requirements would apply. Therefore, the EPA believes the amendments in this action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous populations. Through these amendments, we seek: (1) to extend geographically the National O&NG FIP and its mechanism for authorizing construction that effectively provides a streamlined method for implementing a pre-construction permitting program for true minor sources in the oil and natural gas sector in areas covered by the Federal Indian Country Minor NSR rule, and (2) to pursue an approach that enables a streamlined process, which helps promote economic development by minimizing delays in new construction.

Page 37 of 38 – Amendments to Federal Implementation Plan for Managing Air Emissions from True Minor Sources in Indian Country in the Oil and Natural Gas Production and Natural Gas Processing Segments of the Oil and Natural Gas Sector

List of Subjects in 40 CFR Part 49

Environmental protection, Administrative practices and procedures, Air pollution control, Indians, Indians-law, Indians-tribal government, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: _____

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", is written over a horizontal line.

E. Scott Pruitt,
Administrator.

For the reasons set forth in the preamble, 40 CFR part 49 is amended as follows:

PART 49—INDIAN COUNTRY: AIR QUALITY PLANNING AND MANAGEMENT

1. The authority citation for part 49 continues to read as follows:

Authority: 42 U.S.C. 7401, *et seq.*

Subpart C -- General Federal Implementation Plan Provisions

2. Section 49.101 is amended by modifying paragraph (c):

* * * * *

(c) *When must I comply with §§49.101 through 49.105?* You must comply with §§49.101 through 49.105 on or after October 3, 2016.

3. Section 49.101 is amended by adding paragraph (e):

* * * * *

(e) Notwithstanding paragraph (b)(1)(v), oil and natural gas sources located in the Indian country portion of the Uinta Basin Ozone Nonattainment Area are subject to §§49.101 through 49.105 (except for paragraph (b)(1)(v)), provided subparagraphs (b)(1)(i) – (iv) are also satisfied.

4. Section 49.102 is amended by adding an additional definition:

* * * * *

Uinta Basin Ozone Nonattainment Area means the nonattainment area for the Uinta Basin, or such parts or areas of the Uinta Basin, as it is or may hereafter be defined at 40 CFR part 81, Designations of Areas for Air Quality Purposes.

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 5/15/2018 1:33:54 PM
To: Eilperin, Juliet [Juliet.Eilperin@washpost.com]
CC: Wilcox, Jahan [wilcox.jahan@epa.gov]
Subject: FW: CCR EEI study
Attachments: 2017 Summer Assessment.pdf; NERC_LTRA_12132017_Final.pdf; EEI Assessment of CCR Impacts on Electric Reliability Final_7_10_17 with....pdf

You are correct, the EEI summary is only a five page document. However, my understanding is that the NERC report is what the EEI summary is based on and also a part of the record. Apparently EEI used NERC to author it's summary document also referenced in the CCR record.

-----Original Message-----

From: Huggins, Richard
Sent: Tuesday, May 15, 2018 8:39 AM
To: Cook, Steven <cook.steven@epa.gov>; Brooks, Becky <Brooks.Bekky@epa.gov>
Cc: Johnson, Barnes <Johnson.Barnes@epa.gov>; Devlin, Betsy <Devlin.Betsy@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Mattick, Richard <Mattick.Richard@epa.gov>
Subject: RE: Urgent request - CCR EEI study

Steven here are the NERC reports that I believe you are looking for.

1. 2017 Summer Reliability Assessment published May 24, 2017
This is what EEI used to complete their "executive summary"
2. 2017 Long-Term Reliability Assessment published March 1, 2018
This is the new study that USWAG mentioned in the Friday meeting. EarthJustice also attached this with their comments on the rule.

Please let me know if you need anything else.

Richard Huggins Jr.
Senior Special Assistant
Office of Resource Conservation and Recovery U.S. Environmental Protection Agency
Desk: 703-308-0017 Ex. 6

NERC

NORTH AMERICAN ELECTRIC
RELIABILITY CORPORATION

2017 Summer Reliability Assessment

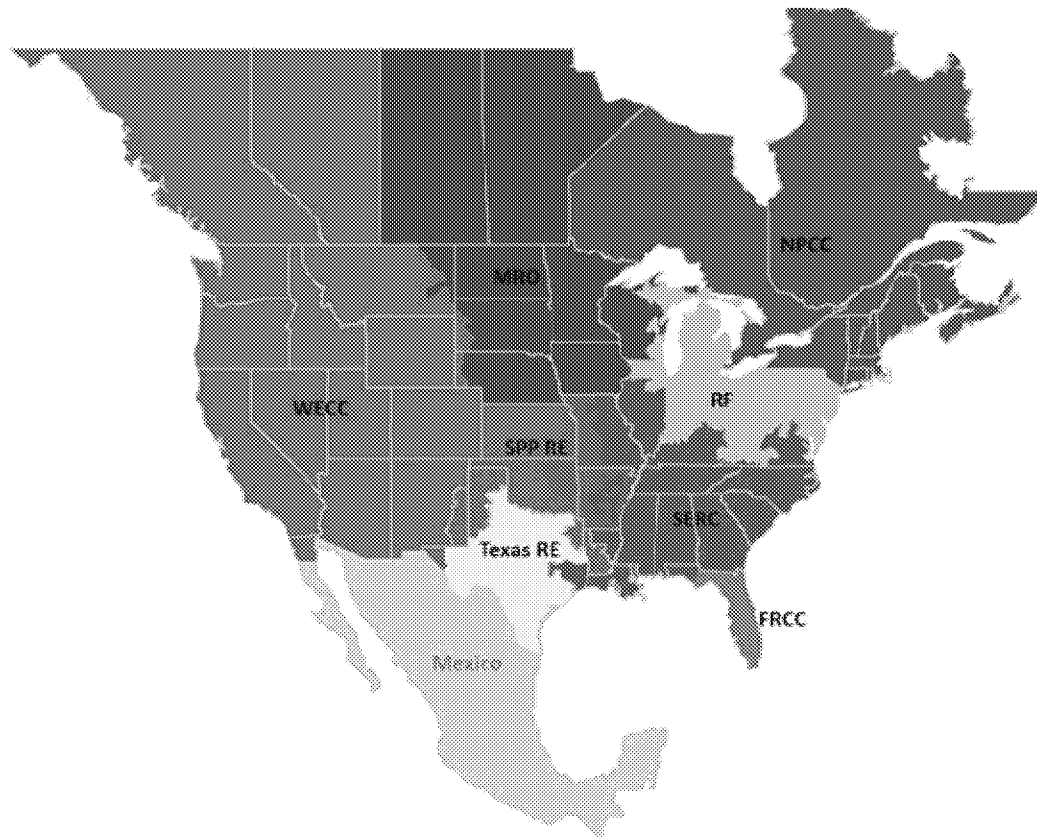


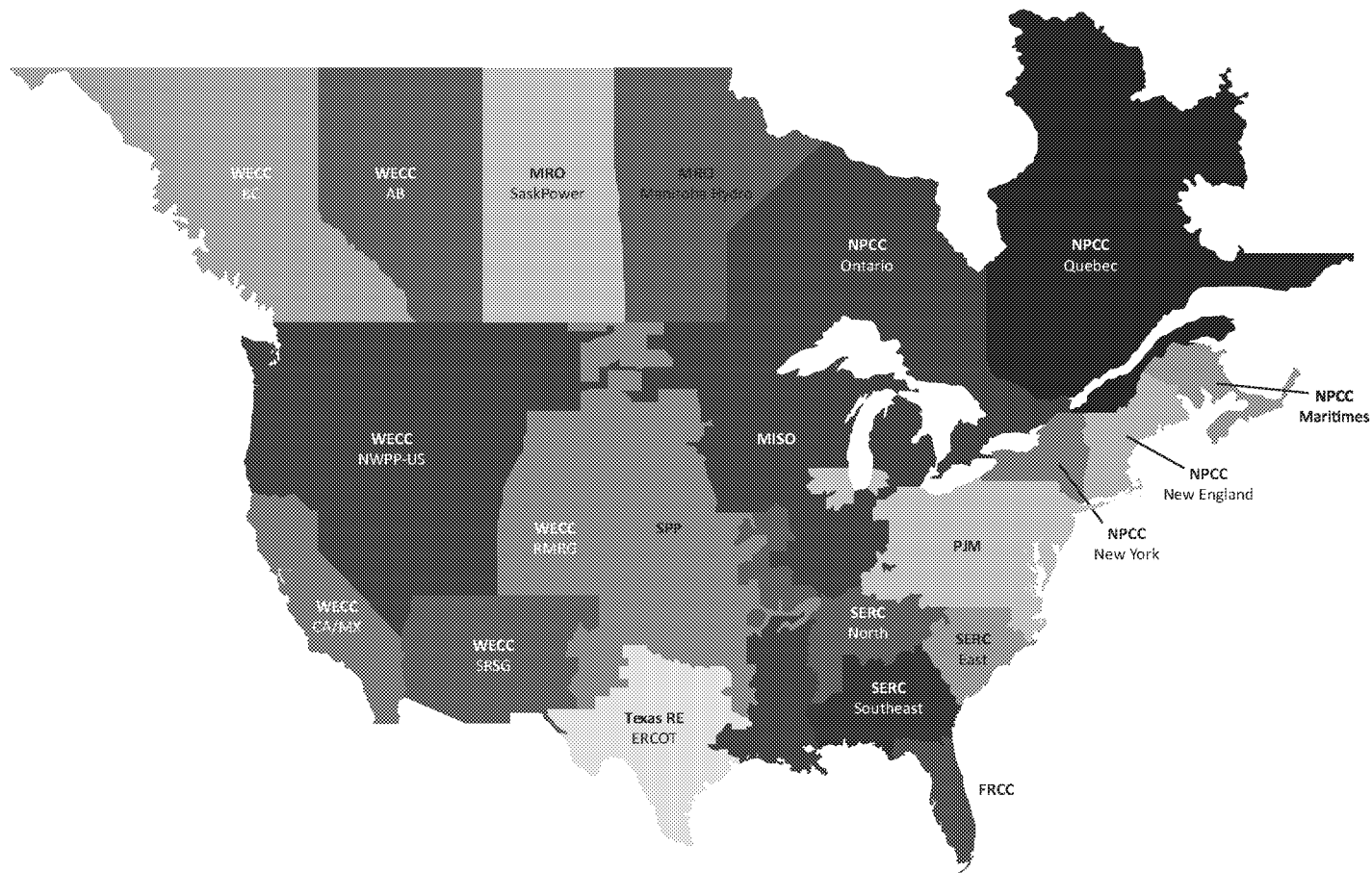
Table of Contents

Preface.....	3	NPCC-New York.....	23
About This Report.....	5	NPCC-Ontario.....	24
Key Findings.....	6	NPCC-Québec.....	25
FRCC.....	17	PJM.....	26
MISO.....	18	SERC.....	27
MRO-Manitoba Hydro.....	19	SPP.....	28
MRO-SaskPower.....	20	Texas RE-ERCOT.....	29
NPCC-Maritimes.....	21	WECC.....	30
NPCC-New England.....	22	Data Concepts and Assumptions Guide.....	31

Preface

The North American Electric Reliability Corporation (NERC) is a not-for-profit international regulatory authority whose mission is to assure the reliability of the bulk power system (BPS) in North America. NERC develops and enforces Reliability Standards; annually assesses seasonal and long-term reliability; monitors the BPS through system awareness; and educates, trains, and certifies industry personnel. NERC's area of responsibility spans the continental United States, Canada, and the northern portion of Baja California in Mexico. NERC is the electric reliability organization (ERO) for North America, subject to oversight by the Federal Energy Regulatory Commission (FERC) and governmental authorities in Canada. NERC's jurisdiction includes users, owners, and operators of the BPS, which serve more than 334 million people. The North American BPS is divided into eight Regional Entity (RE) boundaries as shown in the map below. The assessment areas are shown on page 4. Refer to the [*Data Concepts and Assumptions Guide*](#) for more information.




FRCC—Florida Reliability Coordinating Council

■ FRCC

MRO—Midwest Reliability Organization

■ MRO-SaskPower
■ MRO-Manitoba Hydro
■ MISO

SPP RE—Southwest Power Pool Regional Entity

■ SPP

Texas RE—Texas Reliability Entity

ERCOT

NPCC—Northeast Power Coordinating Council

■ NPCC-New England
■ NPCC-Maritimes
■ NPCC-New York
■ NPCC-Ontario
■ NPCC-Québec

RF—ReliabilityFirst

■ PJM

WECC—Western Electricity Coordinating Council

■ WECC-BC
■ WECC-AB
■ WECC-RMRG
■ WECC-CA/MX
■ WECC-SRSG
■ WECC-NWPP-US

SERC—SERC Reliability Corporation

■ SERC-East
■ SERC-North
■ SERC-Southeast

About This Report

The objectives for NERC's Summer Reliability Assessment (SRA) are to identify, assess, and report details about the reliability of the North American BPS and to make recommendations as necessary. The SRA identifies potential summer resource deficiencies and operating reliability concerns, determines peak electricity demand and supply changes, and highlights unique regional challenges. The SRA represents the results of collaborative efforts involving the Reliability Assessment Subcommittee (RAS), the Regions, and NERC staff to develop sound technical bases for understanding these potential concerns, changes, and challenges. The SRA is intended to enable entities to better anticipate and respond in ways that ensure BPS reliability. The SRA also provides an opportunity for the industry to discuss their plans to ensure reliability for the upcoming summer period.

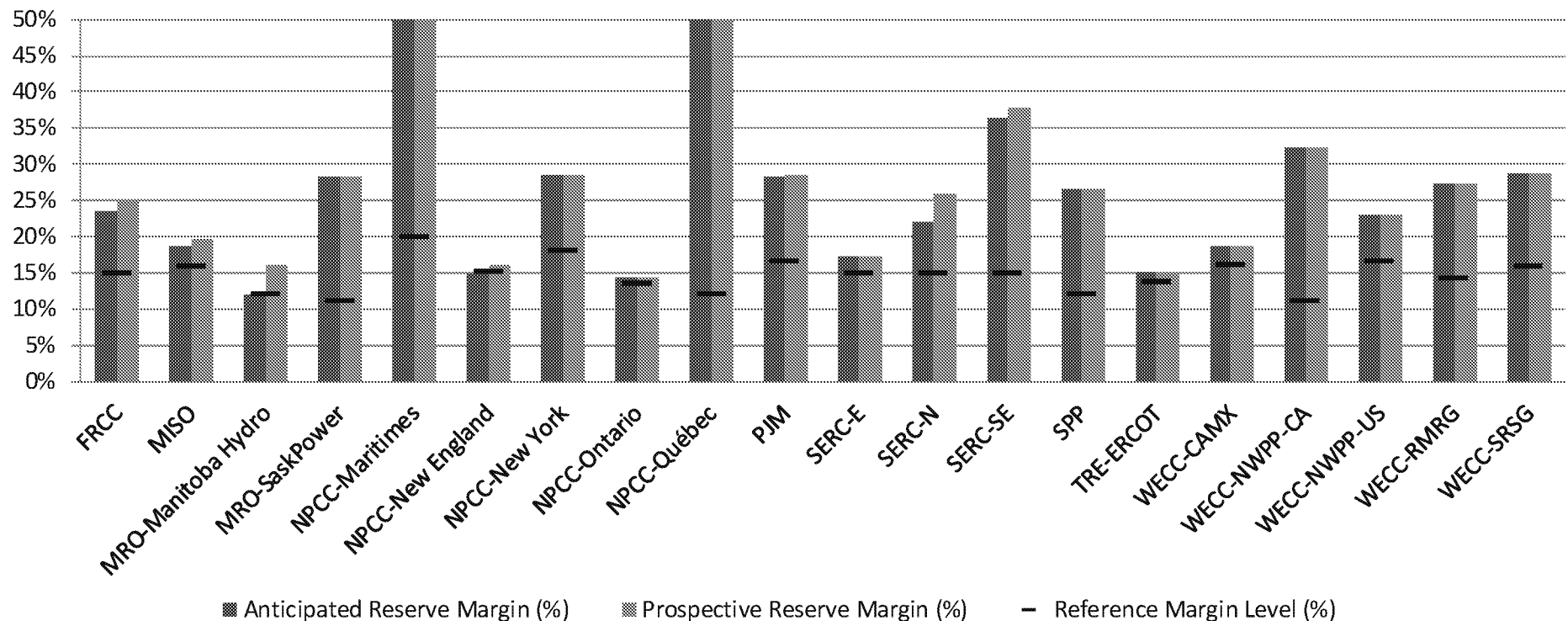
Key Findings

NERC had identified several key findings for this summer through the assessment of resource adequacy, management of renewables, impacts from the Aliso Canyon underground storage facility outage, frequency ride-through capabilities of solar inverters, and impacts from the 2017 solar eclipse. They are as follows:

- Most assessment areas demonstrate resource adequacy by maintaining sufficient Anticipated Resources to meet their planning Reference Margin Levels for this summer. The Anticipated Reserve Margin for NPCC-New England falls to 14.88 percent, which is below their Reference Margin Level of 15.10 percent for this summer.
- Relatively large differences between actual and predicted variable energy resource outputs can present operational challenges if sufficient flexible resources(dispatchable) are not available to make up or absorb these differences in outputs. This is especially challenging for systems that have a significant level of capacity with operational constraints that limit their ability to quickly change their output up or down.
- For the upcoming 2017 summer season, WECC does not anticipate any new reliability issues associated with the Aliso Canyon outage in Southern California; however, natural gas withdrawal capability is still limited in the area as a result of this outage. CAISO continues to coordinate plans with the impacted gas company and neighboring BA and RC to minimize risk to the bulk power system. Additionally, CAISO plans to leverage an abundance of must-run hydro resources this summer to alleviate natural gas constraints in Southern California.
- The 2017 Summer Reliability Assessment presents no anticipated impacts to reliability on the BPS due to the 2017 solar eclipse.
- The first known major loss of utility-scale solar resources occurred in California on August 16, 2016, as the result of a transmission system disturbance initiated by a fire induced fault. The solar inverter technology did not operate as expected and failed to provide frequency ride-through capability. This event highlights on-going challenges with the interconnection of inverter based technologies to operate reliably, and additional steps will be taken to inform industry, manufacturers, and planners to ensure they are aware of this risk to the BPS.

Resource Adequacy

The Anticipated Reserve Margin is the primary metric that is used to evaluate resource adequacy by comparing the projected capability of anticipated resources to serve forecasted peak load.¹ Large year-to-year changes in anticipated resources or forecasted peak load (total internal demand) can greatly impact Planning Reserve Margin calculations. Most assessment areas have sufficient Anticipated Reserve Margins that meet or exceed their planning Reference Margin Level for the 2017 summer as shown in the figure below.



Summer 2017 Anticipated/Prospective Reserve Margins Compared to Reference Margin Level

The Anticipated Reserve Margin for NPCC-New England falls to 14.88 percent, below their Reference Margin Level of 15.10 percent. This projected shortfall in Planning Reserve Margins is primarily due to approximately 700MW of delayed new resources that were expected to be available to serve load for this summer.² These resources were included in NERC's 2016 LTRA,³ which projected an Anticipated Reserve Margin of 20.32 percent for the 2017 summer; this is a decrease in 5.44% in projected Anticipated Reserve Margins for the 2017 summer between two assessments. During extreme weather, there is an increasing risk of operational issues when reserve margins are tight. If forecasted summer conditions materialize, New England

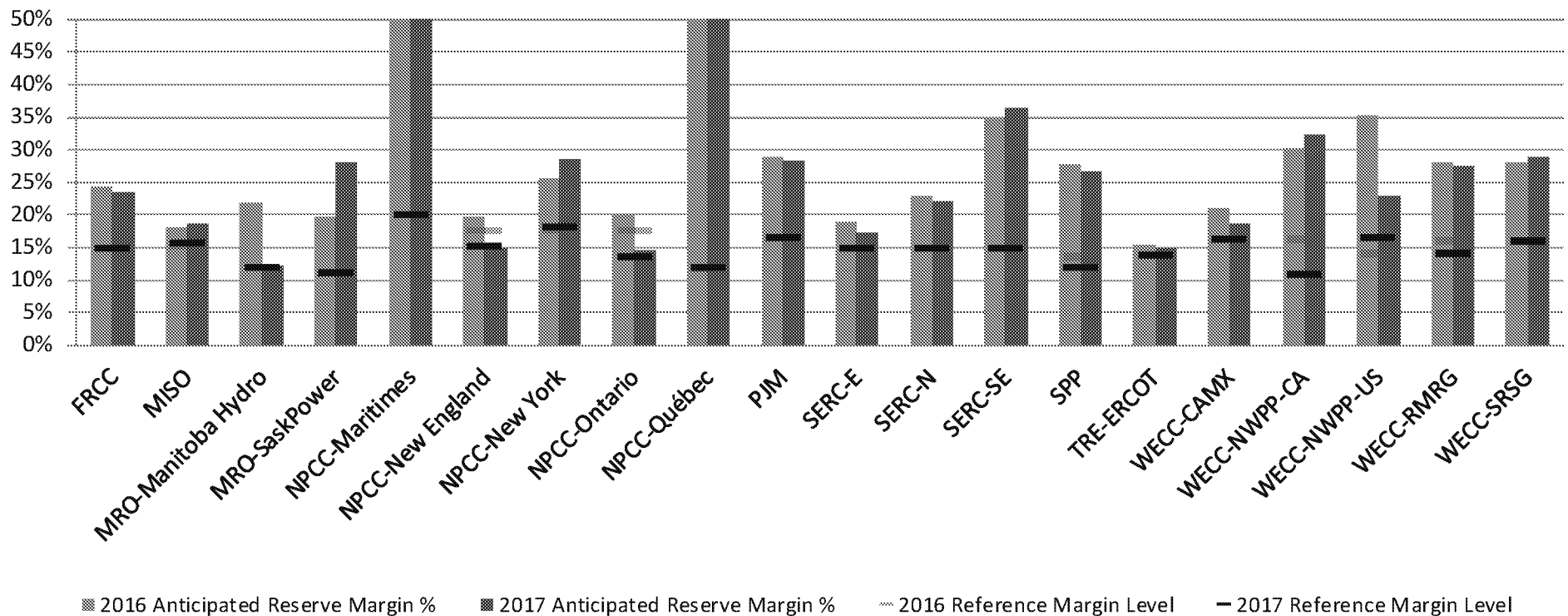
¹ Refer to *Data Concepts and Assumptions Guide* for additional information on Anticipated Reserve Margins, Anticipated Resources, and Reference Margin Levels.

² ISO New England: *Managing Power Grid Operations This Summer*; April 26, 2017

³ NERC 2016 Long-Term Reliability Assessment; December 2016

may need to rely on import capabilities from neighboring areas as well as the possible implementation of emergency operating procedures (EOPs). These actions are anticipated to provide sufficient energy or load relief to cover the forecasted deficiency in operable capacity.

NERC's 2015 *LTRA*⁴ discussed the observed tightening of reserve margins in several assessment areas. Similarly observed have been changes to the resource mix as some areas have diminishing resource diversity and flexibility. Even if an assessment area is showing sufficient Planning Reserve Margins, operational issues need to be monitored in light of these two observations to ensure resource adequacy. The figure below shows the relative change from the 2016 *Summer Reliability Assessment* to the 2017 summer. Understanding the changes from year-to-year is an essential step in assessing an area on a seasonal basis. This understanding can be used to further examine potential operational issues that emerge between reporting years. Additional details concerning specific areas of interest to NERC are provided in the individual assessment area highlights.



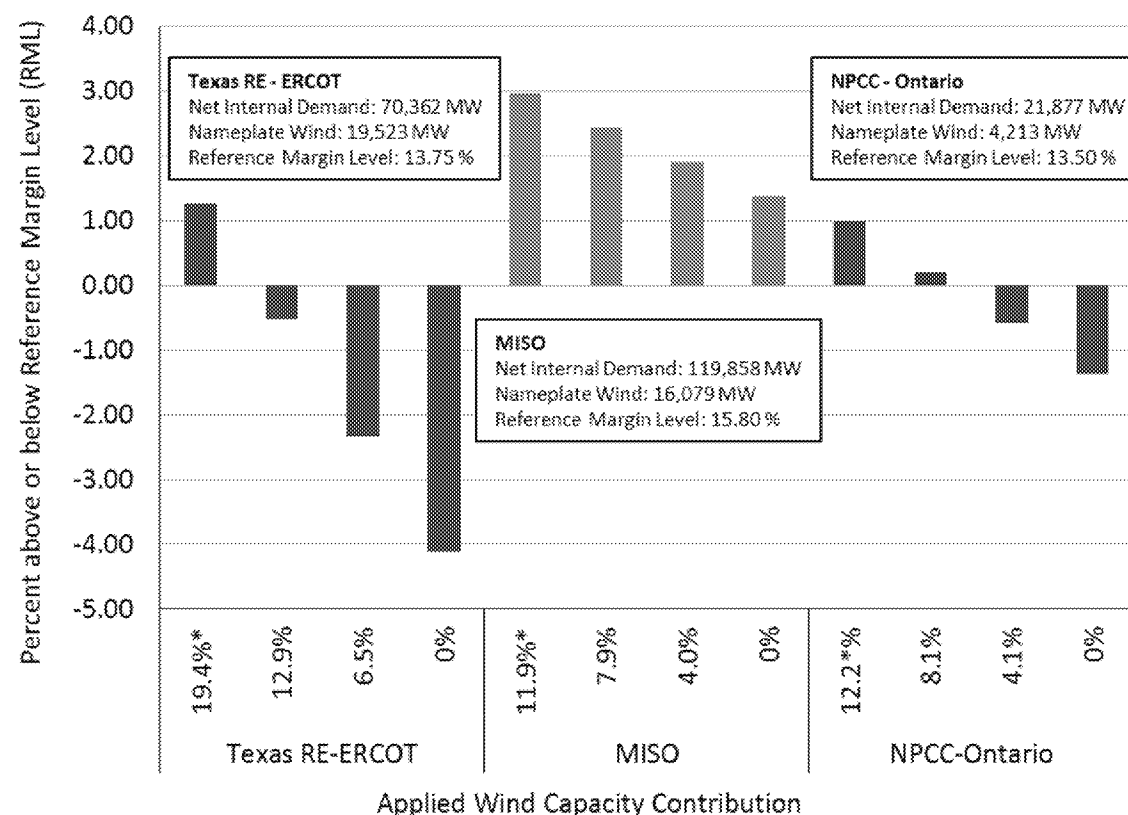
Summer 2016–2017 Anticipated Reserve Margins Year to Year Change

⁴ NERC 2015 Long-Term Reliability Assessment

Assessing how areas are accounting for their resources is a fundamental part of understanding an assessment area's Planning Reserve Margins. The capacity contribution of variable energy resources (VERs) differs greatly from that of conventional generation. Conventional generation uses typical summer and winter ratings while capacity contributions from VERs, such as wind generation, are a statistical representation based on historical operational experience.

For example, the figure to the right shows three assessment areas with different amounts of wind generation. These three assessment areas were chosen for this analysis based on being geographically distinct and having a high degree of installed wind capacity. Assessment areas within the ERO footprint have differing methods for calculating their assumed on-peak capacity contributions from wind; these may include a probabilistic analysis or rolling averages of historical values.^{5, 6}

Each column illustrates how the reserve margins for these areas would change with reduced amounts of assumed on-peak capacity contributions from their wind resources; values are reduced by thirds from their original assumed capacity contribution. Lower assumed on-peak capacity contributions reduce the reserve margin that could cause some assessment areas to fall below their Reference Margin Level.

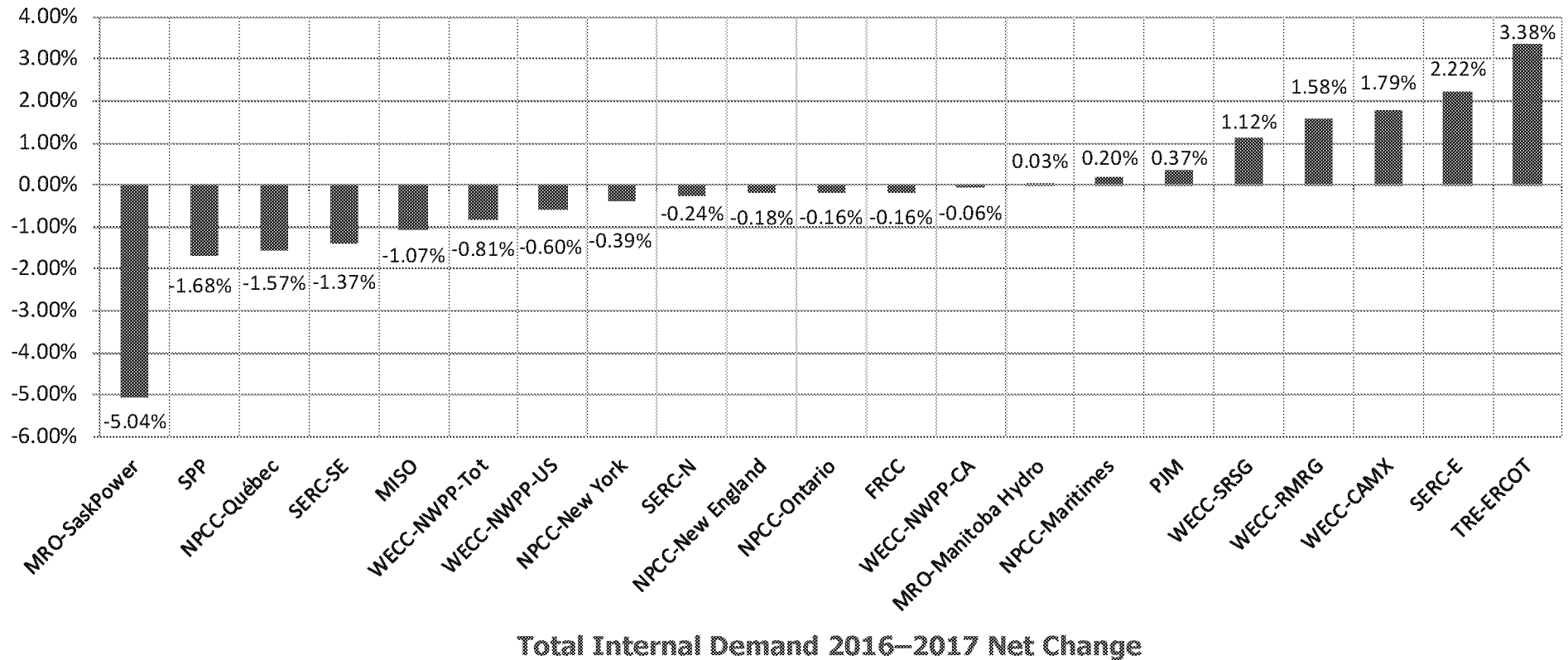


*represents the on-peak wind capacity contribution assumed in the 2017 SRA

⁵ ERCOT: Seasonal Assessment of Resource Adequacy for the ERCOT Region (SARA) Summer 2017

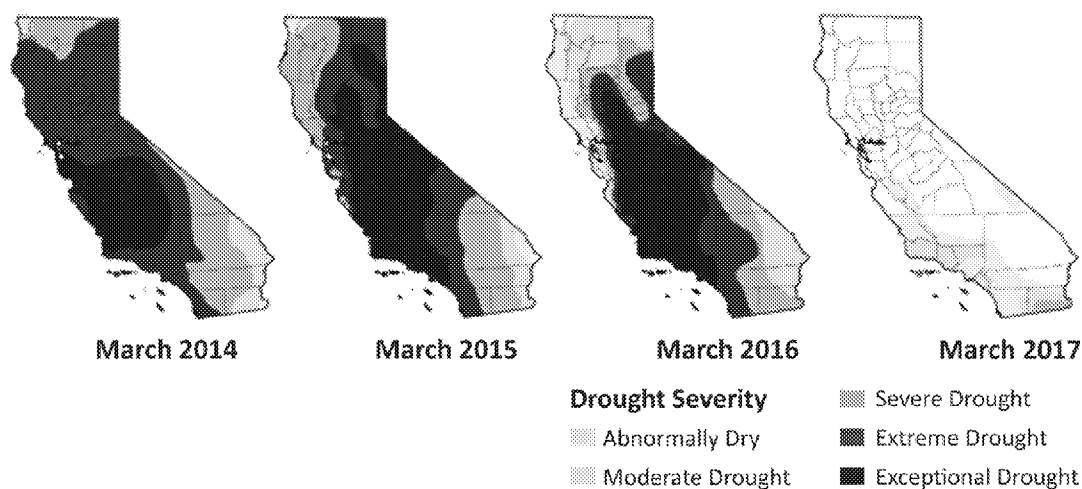
⁶ MISO: Planning Year 2017-2018 Wind Capacity Credit; December 2016

Changes to total internal demand between years can be due to a variety of reasons, but can be summarized to the following: forecasted load growth and changes to load forecast methods and assumptions. While the data collected for total internal demand are projections based on a normal weather (50/50) forecasts, higher values due to more extreme weather are possible during peak load conditions. These more extreme weather events are considered during operational planning when developing week-ahead load forecasts to ensure that sufficient resources will be online and available to serve load. Systems must be flexible enough to accommodate large changes to load forecasts in both long-term and short-term planning.

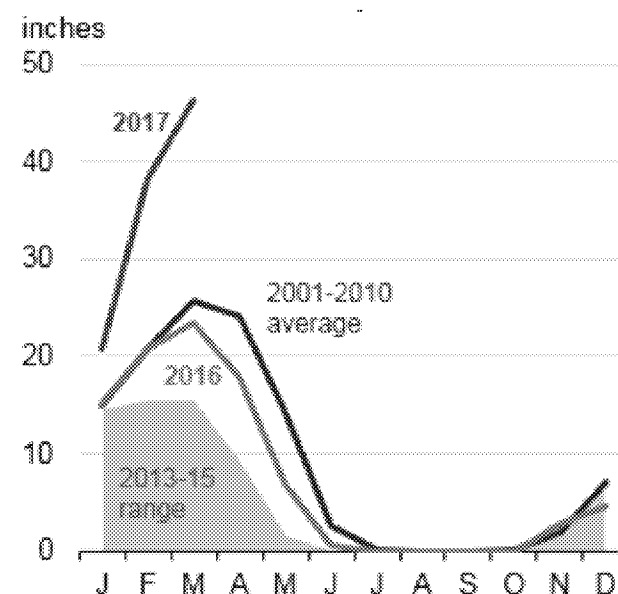


Renewable Management

The management of renewable generation is a necessary component of short-term system planning and operations. Variable energy resources (VERs) without access to energy storage devices will generate energy directly on the system. This requires operational management of dispatchable resources to match the changes to both load and VERs on the system. A sufficient amount of other dispatchable resources must be flexible enough to meet these changes or operations may need to curtail generation from wind or solar resources to maintain system stability. Curtailments to wind or solar generation may also be due to other system issues, such as over-generation concerns during a light-load time period or potential thermal overloading on transmission lines due to transmission constraints. Substantial increases in rainfall and snowpack levels in California have essentially removed most drought conditions from the state. The figures below from the Energy Information Administration show the rapid decrease in drought severity since March of 2016.



EIA: California Drought Status⁷



EIA: California Snow Water Equivalent⁸

Managing both VERs and the possibility of must-run hydro may present the area with additional operational issues during light load conditions, including a potential increase in cycling baseload generation during off-peak conditions. WECC staff is monitoring operational challenges that may emerge during the upcoming summer season. The runoff from heavy snow pack levels in northern California, in conjunction with abundant solar generation during afternoon hours, could create hours with over-supply of electric energy. California currently operates through over-supply conditions during most afternoon hours and this combination of system conditions would increase the amount of over-supply the state creates. Operations in the area will continue to monitor these situations to mitigate any potential risk to reliability.

⁷ EIA: Record precipitation, snowpack in California expected to increase hydro generation in 2017

⁸ Ibid

Aliso Canyon

Prior to the 2016 summer operating season, WECC conducted an independent assessment of potential impacts to the electric system that could result from potential fuel limitations in Southern California due to the Aliso Canyon issues from both a resource adequacy and a powerflow perspective.⁹ Given the change in drought conditions from 2016 to 2017 and the renewed availability of hydro resources, WECC considered the 2016 work a “worse-case” scenario from the resource adequacy perspective, so the studies performed in 2016 were still valid and not repeated in 2017.

In 2016, WECC also conducted a series of power system contingency analyses to understand how the entire interconnection would perform under different stressors. Overall, the studies showed no major interconnection-wide impacts but did reveal important operational considerations for Southern California. Using its powerflow stability model, WECC assessed the potential operational impacts to the Western Interconnection broadly and Southern California specifically. This was done using a baseline for comparison as the 2016 “Heavy Summer Base Case,” a model of the interconnection that assumes high summer loads and moderate power transfers to reflect a stressed system scenario. WECC then created two comparison cases to reflect potential conditions in Southern California, one with all the natural gas generation in the L.A. Basin at minimum output and one with it all turned off. These cases were chosen specifically because they are expected to emphasize potential negative study results, making them worse-case bookends. WECC then tested these cases by applying a number of contingencies to focus on the following indicators of system health:

- **Generation availability and unit stability:** With low generation in the L.A. Basin, would there be sufficient resources elsewhere to replace the generation?
- **Overloading of transmission lines:** Assuming the resources are available, can they be imported without causing overloading of transmission lines and exceedances of WECC transmission path ratings?
- **Voltage stability:** With low generation in the L.A. Basin, would there be sufficient voltage support in the area to maintain acceptable transmission and distribution voltages?

There were four takeaways from the contingency analyses:

- There is a minimum amount of generation that must be online in the L.A. Basin to provide voltage support to the local system and allow power to be imported. Without this generation, there is a high likelihood of voltage collapse within the L.A. Basin and risk to the interconnection if such a collapse is not quickly isolated. LADWP and CAISO have the detailed tools to determine the minimum level of generation that must remain on-line for system stability and have estimated 1300 MW to be the “must-run” capacity to support transmission import capability. WECC’s analytics affirmed that this is a reasonable estimate.
- The generation facilities capable of producing reactive power to provide voltage support include the natural gas facilities in the L.A. Basin. Some of these units are dual-fuel units and were designed with the capability to burn distillate. The ability to run these plants on an alternative fuel other than natural gas will help ensure adequate minimum levels of generation when gas supply is scarce.
- The location of on-line generation within the L.A. Basin is critical to stability. Certain combinations of on-line units can lead to poor voltage support or additional stress on the transmission system in the L.A. Basin area due to unusual or abnormal power flows. CAISO is in the best position to determine the correct units to run in real time based on the actual operating configuration of the system.

⁹ [Aliso Canyon Risk Assessment Technical Report; April 5, 2016](#)

- Communication and collaboration among the affected entities is critical. This situation highlights the interdependency of the gas and electric infrastructures and operating protocols. The high level of communication and information sharing that occurred in 2016 between the entities will need to be closely managed and continued throughout the 2017 summer until the Aliso Canyon natural gas storage facility can be further utilized

The 2016 study assumed all normally operating transmission lines in the L.A. Basin and the rest of the interconnection are in service. The study also assumed availability of the additional generating resources used in the simulations. If either transmission or generation capacity is limited for any reason (e.g., a fire that takes out multiple transmission lines or unforeseen events that result in the unavailability of major generating resources, such as gas constraints or unscheduled maintenance), the additional stress to the Western Interconnection could result in negative impacts that were not identified. As with the resource adequacy work, WECC reviewed the 2016 work and determined that it was still valid and relevant for 2017. The availability of the Aliso Canyon Natural Gas storage facility remains an item of concern for electric reliability within the Western Interconnection and, more specifically, southern California.¹⁰ SoCal Gas is still prohibited from injecting gas into the storage facility, and it is not known when injections will be allowed to resume. The absence of Aliso Canyon is not expected to have an impact on reliability during the upcoming summer season due to the anticipated abundance of hydroelectric generation. WECC staff will continue to monitor and participate in activities related to the Aliso Canyon Natural Gas storage facility and identify any potential impacts to electric reliability.

2017 Solar Eclipse

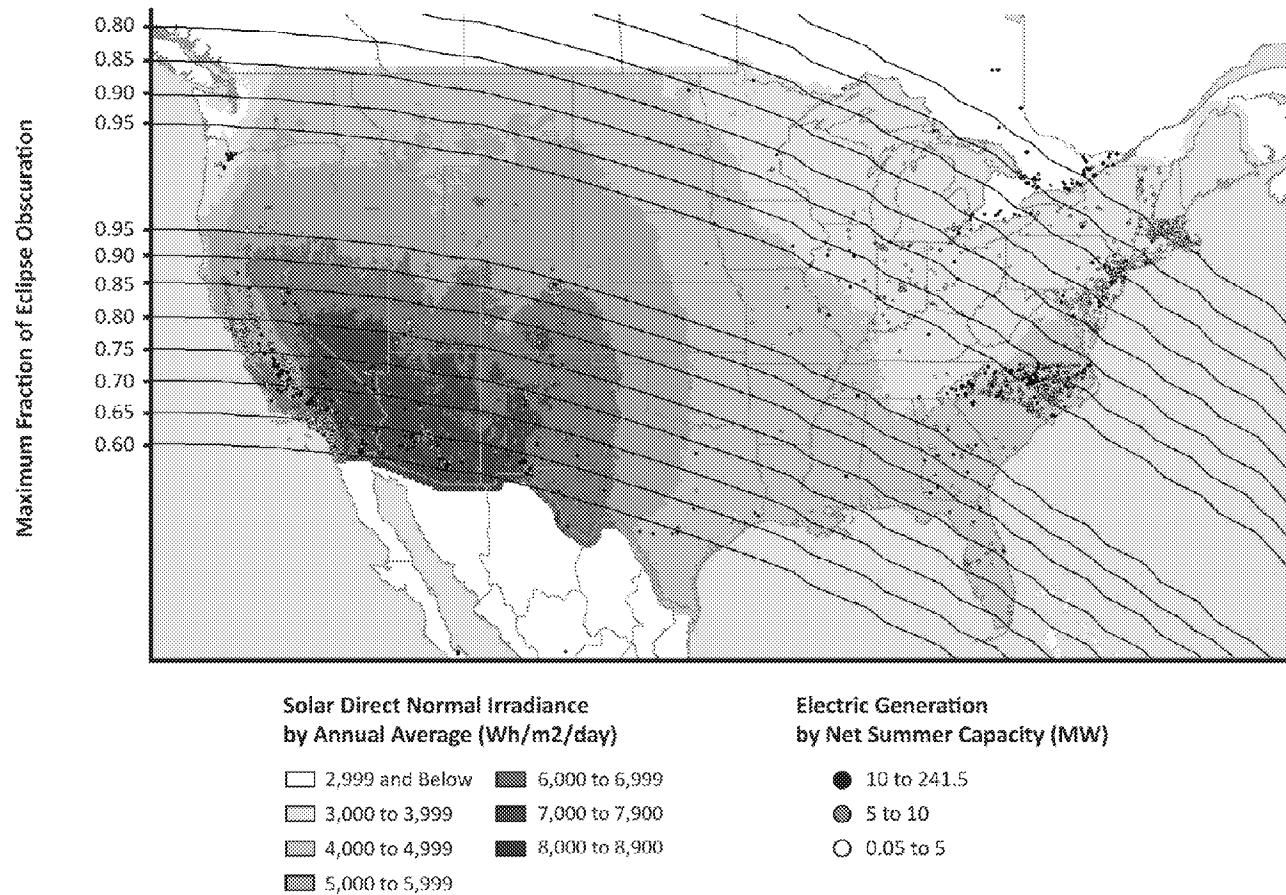
A total solar eclipse is a predictable event that impacts solar generation over a very short time period. NASA has predicted a total solar eclipse with a path that will directly affect North American bulk power system operations on August 21, 2017. Total solar capacity (distribution and transmission connected) in the U.S. has increased from 5 MW in 2000 to 42,619 MW in 2016. As the number of photovoltaic generators on the power system increases, the risk created by solar eclipses to reliable system operations will increase as well.

Therefore, NERC performed a solar eclipse wide-area assessment in order to evaluate potential reliability consequences of the total solar eclipse on the BPS. A whitepaper on the assessment was released in April 2017.¹¹ The NERC whitepaper provides a review of the European assessments on the 2015 eclipse and provided the applicable lessons learned in the white paper. The whitepaper focused specifically on impacts of system loading and potential reliability implications when an area experiences a large reduction of photovoltaic generator capacity due to a total solar eclipse.

Additionally, the white paper's study produced results on an extreme case scenario basis (i.e., perfect weather conditions that allow for total obscuration of the sun and a heavily loaded system (i.e., peak load conditions)). On the next page is a map of the United States with direct normal irradiance shaded, the eclipse band layers marked on the map by a series of parallel lines, and the locations of utility-scale photovoltaic systems shown by white, gray, and black circles.

¹⁰ California ISO: Aliso Canyon gas-electric coordination

¹¹ NERC: A Wide-Area Perspective on the August 21, 2017 Total Solar Eclipse; April 2017



United States map showing direct normal irradiance, eclipse bands, and the locations of transmission photovoltaic generators

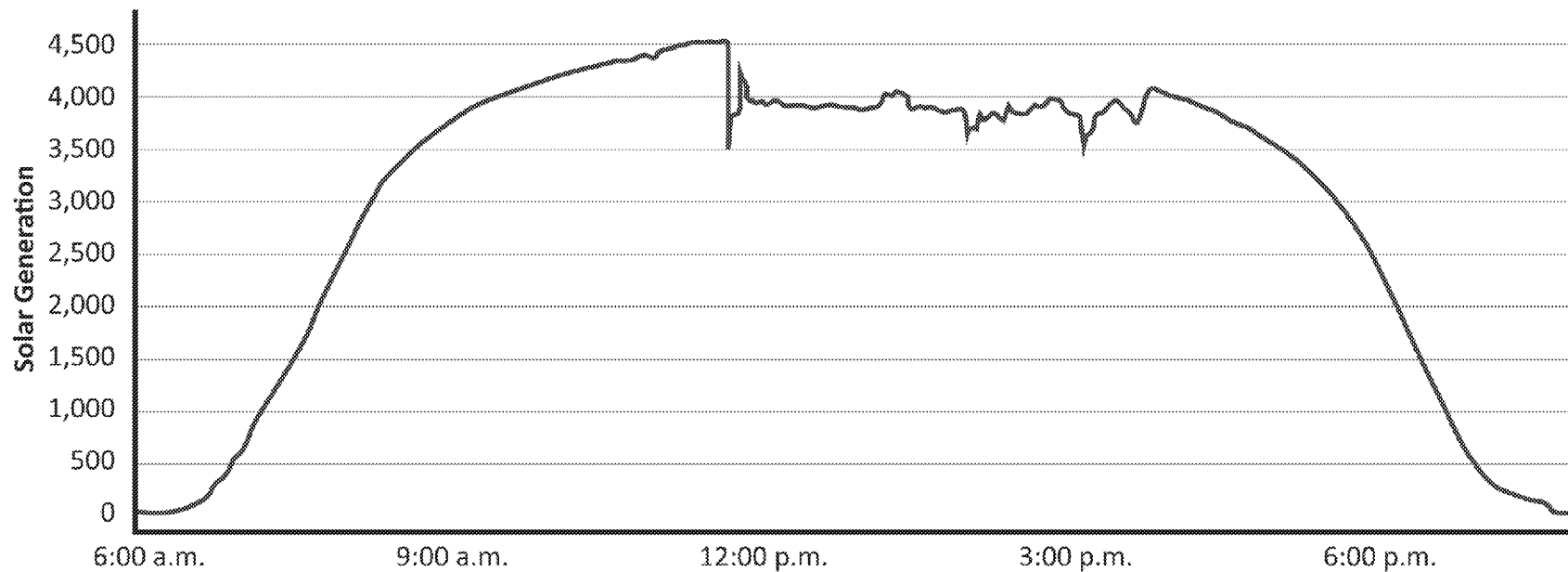
The above figure shows the observed gap between the eclipse bands, the gap band is the path of totality of the eclipse. This gap includes the center line and the northern and southern limits of total obscuration, but the center line of the eclipse is not explicitly drawn within the band to avoid confusion. In the map, the two states with visible concentrations of utility solar were identified as California and North Carolina. California and North Carolina will experience the greatest impact to photovoltaic resources and system operations; however, the analysis performed in the study showed no reliability impacts to BPS operations. It is recommended that utilities in all states perform detailed studies and retain necessary resources to meet the increased and varying load. For areas with high penetrations of solar resources, there may be a need for advanced resource/generator coordination during the August 21, 2017, system operating day when operators may need to plan to schedule non-photovoltaic resources (or arrange imports) to be available in order to address ramp issues which will result from the sudden perceived varying load and the abrupt varying utility photovoltaic generator conditions.

Seven years after August 21, 2017, North America will again experience a total solar eclipse on April 8, 2024. As the industry continues to advance and modify the power system to meet customer needs by adding photovoltaic generators, the effect of eclipses on the BPS due to the system's increased dependence on intermittent solar resources will become more relevant. Controllable system resources that help to balance the electrical characteristics are necessary for the BPS. Future detailed studies and coordination may be needed to ensure the effect of astronomical events on the behavior of wide-area BPS facilities can be predicted and the expected system reliability maintained.

Solar Inverters

On August 16, 2016, smoke from the Blue Cut wildfire in San Luis Obispo County, California resulted in the tripping of two 500kV lines in the active fire area. There was a noticeable frequency excursion with Peak RC reporting the loss of over 1,000 MW across multiple renewable resources in the CAISO BA following these line outages. CAISO, SCE and Peak, confirmed that no conventional generators tripped and that all the resources that were lost practically instantaneously were utility-scale renewables, primarily solar.

While not a qualifying event in the ERO EA Process, the occurrence was significant and unusual enough that the ERO requested an event report and worked with the engineers and planners at CAISO and Southern California Edison, to better understand this first known major loss of renewable resources due to a transmission system disturbance.



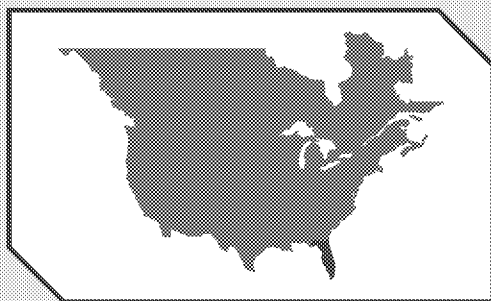
Total Solar Generation in the CAISO Balancing Authority on August 16, 2016

The tripping of the first 500 kV line was due to smoke from the fire creating a fault and the line clearing as designed. The second 500 kV line tripped as a result of a smoke induced fault, again by design, and cleared within three cycles. Before that fault cleared, the transient caused by the fault was experienced at the 26 nearby solar farms (thus the aggregate over 1,000 MWs of generation) and subsequently caused the inverters to stop injecting ac current within two cycles.

- Many of the inverters stopped outputting power before the fault cleared, indicating that the faulted condition alone created the condition that caused the response as opposed to post-fault system response (transient stability).
- Many inverters calculated frequencies at the inverter terminals that are well outside of the values that would be expected for a normally cleared fault. Many inverters calculated a system frequency in the range of 57 Hz during the fault.
- A thorough analysis of the event and the operating characteristics of the related equipment is underway.

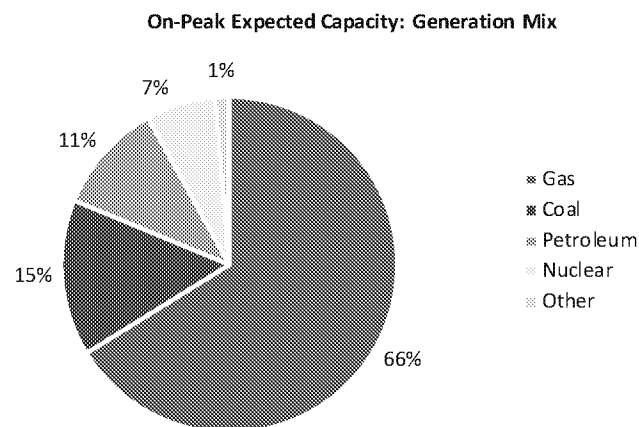
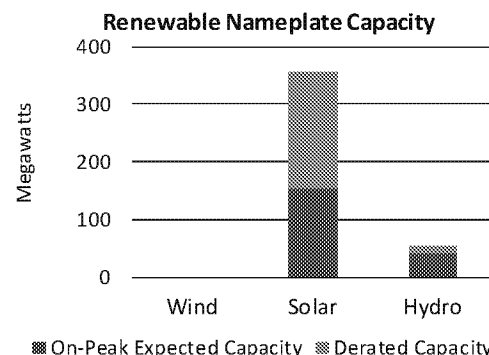
This event provides an observable reference to the challenges discussed in the *Essential Reliability Services Task Force Measures Framework Report*.¹² Inverter based resources have different operating characteristics than those that are synchronously connected to the BPS. To be reliably integrated, these operating characteristics will require proper planning, design, and coordination. Maintaining reliability is embodied in the predictability, controllability, and responsiveness of these operating characteristics. Analyses of these emerging technologies and their penetration levels must be done to allow for effective planning and to provide system planners and operators the flexibility to modify real-time operations for the reliability of the grid. The ERO will produce lessons learned and technical references from information gathered from this and similar events.

¹² NERC: *Essential Reliability Services Task Force Measures Framework Report*; November 2015



FRCC

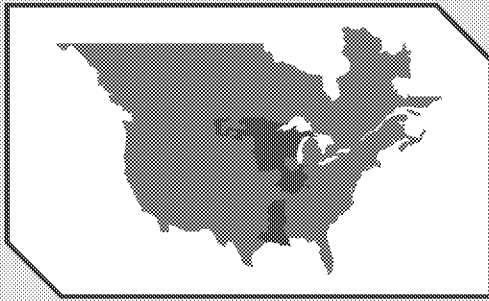
The Florida Reliability Coordinating Council's (FRCC) membership includes 32 Regional Entity Division members and 23 Member Services Division members composed of investor-owned utilities (IOUs), cooperatives, municipal utilities, power marketers, and independent power producers. FRCC is divided into 10 Balancing Authorities with 45 registered entities (both members and non-members) performing the functions identified in the NERC Reliability Functional Model and defined in the NERC Reliability Standards. The Region contains a population of over 16 million people and has a geographic coverage of about 50,000 square miles over Florida.



FRCC Resource Adequacy Data			
Demand, Resource, and Reserve Margins	2016 SRA	2017 SRA	2016 vs. 2017 SRA
Demand Projections	Megawatts (MW)	Megawatts (MW)	Net Change (%)
Total Internal Demand (50/50)	47,654	47,580	-0.2%
Demand Response: Available	2,924	2,922	-0.1%
Net Internal Demand	44,730	44,658	-0.2%
Resource Projections	Megawatts (MW)	Megawatts (MW)	Net Change (%)
Existing-Certain Capacity	53,110	53,403	0.6%
Tier 1 Planned Capacity	1,237	467	-62.2%
Net Firm Capacity Transfers	1,260	1,252	-0.6%
Anticipated Resources	55,607	55,122	-0.9%
Existing-Other Capacity	505.1	744	47.3%
Prospective Resources	56,112	55,866	-0.4%
Reserve Margins	Percent (%)	Percent (%)	Annual Difference
Anticipated Reserve Margin	24.32%	23.43%	-0.9
Prospective Reserve Margin	25.45%	25.10%	-0.3
Reference Margin Level	15.00%	15.00%	0.0

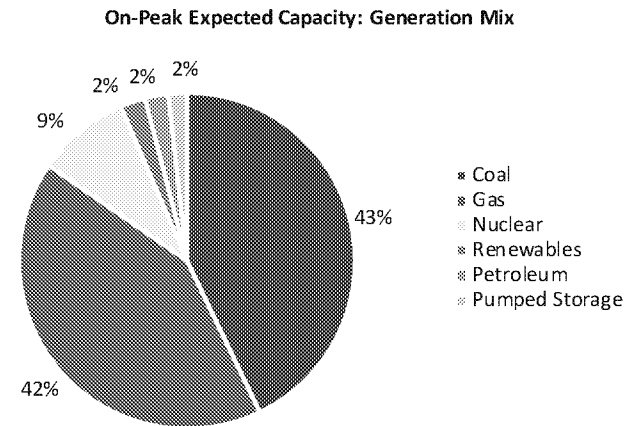
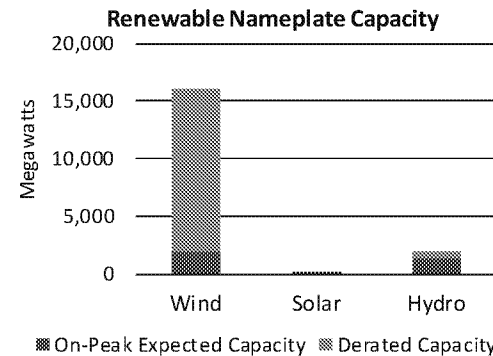
Highlights

- FRCC anticipates that it will maintain reliability on its system during the upcoming season.
- FRCC performed a Summer Transmission Assessment and Operational Seasonal Study to assess peak load under anticipated system conditions. The study results demonstrated that potential thermal and voltage conditions exceeding the applicable screening criteria can be mitigated under expected conditions.



MISO

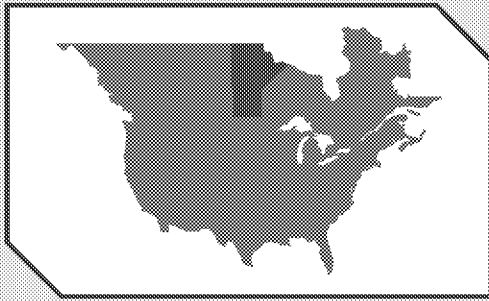
The Midcontinent Independent System Operator, Inc. (MISO) is a not-for-profit, member-based organization administering wholesale electricity markets that provide customers with valued service; reliable, cost-effective systems and operations; dependable and transparent prices; open access to markets; and planning for long-term efficiency. MISO manages energy, reliability, and operating reserve markets that consist of 36 local Balancing Authorities and 394 market participants, serving approximately 42 million customers. Although parts of MISO fall in three NERC Regions, MRO is responsible for coordinating data and information submitted for NERC's reliability assessments.



MISO Resource Adequacy Data			
Demand, Resource, and Reserve Margins	2016 SRA	2017 SRA	2016 vs. 2017 SRA
Demand Projections	Megawatts (MW)	Megawatts (MW)	Net Change (%)
Total Internal Demand (50/50)	126,081	125,002	-0.9%
Demand Response: Available	4,923	5,144	4.5%
Net Internal Demand	121,158	119,858	-1.1%
Resource Projections	Megawatts (MW)	Megawatts (MW)	Net Change (%)
Existing-Certain Capacity	142,343	142,398	0.0%
Tier 1 Planned Capacity	0	0	-
Net Firm Capacity Transfers	627	-45	-107.2%
Anticipated Resources	142,969	142,353	-0.4%
Existing-Other Capacity	1351.4	1,151	-14.8%
Prospective Resources	144,321	143,504	-0.6%
Reserve Margins	Percent (%)	Percent (%)	Annual Difference
Anticipated Reserve Margin	18.00%	18.77%	0.8
Prospective Reserve Margin	19.12%	19.73%	0.6
Reference Margin Level	15.20%	15.80%	0.6

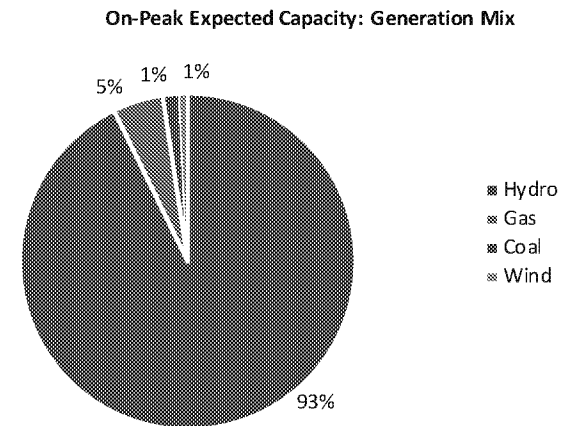
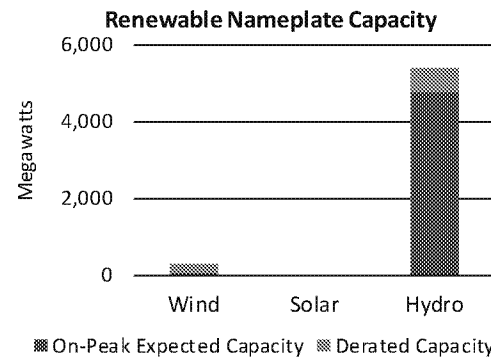
Highlights

- MISO anticipates that it will maintain reliability on its system during the upcoming season.
- Compared to last season, a greater amount of MISO's reserves are made up of demand response resources. This increases the likelihood of operators needing to call on these resources during emergency operating conditions. All demand response resources are expected to perform when called upon, so this does not pose any reliability issues.



MRO-Manitoba Hydro

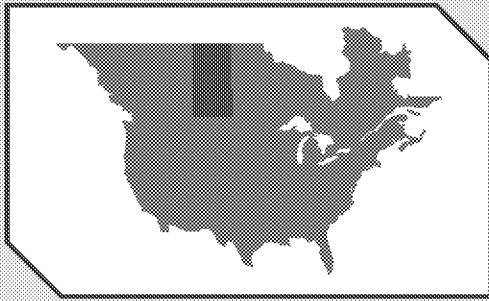
Manitoba Hydro is a provincial crown corporation that provides electricity to 556,000 customers throughout Manitoba and natural gas service to 272,000 customers in various communities throughout southern Manitoba. The Province of Manitoba is 250,946 square miles. Manitoba Hydro is winter peaking. No change in the footprint area is expected during the assessment period. Manitoba Hydro is its own Planning Coordinator and Balancing Authority. Manitoba Hydro is a coordinating member of MISO. MISO is the Reliability Coordinator for Manitoba Hydro.



MRO - Manitoba Hydro Resource Adequacy Data			
Demand, Resource, and Reserve Margins	2016 SRA	2017 SRA	2016 vs. 2017 SRA
Demand Projections	Megawatts (MW)	Megawatts (MW)	Net Change (%)
Total Internal Demand (50/50)	3,312	3,313	0.0%
Demand Response: Available	0	0	0.0%
Net Internal Demand	3,312	3,313	0.0%
Resource Projections	Megawatts (MW)	Megawatts (MW)	Net Change (%)
Existing-Certain Capacity	5,435	5,149	-5.3%
Tier 1 Planned Capacity	0	0	0.0%
Net Firm Capacity Transfers	-1,396	-1,435	2.8%
Anticipated Resources	4,039	3,714	-8.1%
Existing-Other Capacity	108.6	130	19.7%
Prospective Resources	4,148	3,844	-7.3%
Reserve Margins	Percent (%)	Percent (%)	Annual Difference
Anticipated Reserve Margin	21.96%	12.10%	-9.9
Prospective Reserve Margin	25.24%	16.03%	-9.2
Reference Margin Level	12.00%	12.00%	0.0

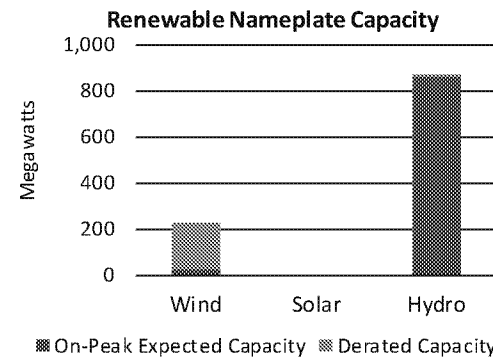
Highlights

- Manitoba Hydro anticipates that it will maintain reliability on its system during the upcoming season.
- The main cause of changes in Existing-Certain Capacity from 2016 to 2017 SRA are scheduled planned outages.

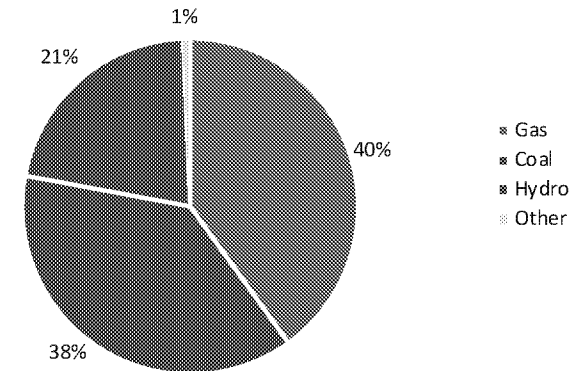


MRO-SaskPower

Saskatchewan is a province of Canada and comprises a geographic area of 651,900 square kilometers (251,700 square miles) with approximately 1.1 million people. Peak demand is experienced in the winter. The Saskatchewan Power Corporation (SaskPower) is the Planning Coordinator and Reliability Coordinator for the province of Saskatchewan and is the principal supplier of electricity in the province. SaskPower is a provincial crown corporation and, under provincial legislation, is responsible for the reliability oversight of the Saskatchewan Bulk Electric System and its interconnections.



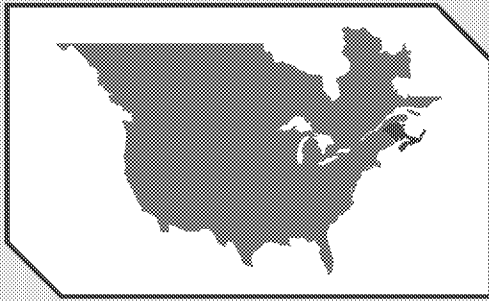
On-Peak Expected Capacity: Generation Mix



MRO - SaskPower Resource Adequacy Data			
Demand, Resource, and Reserve Margins	2016 SRA	2017 SRA	2016 vs. 2017 SRA
Demand Projections	Megawatts (MW)	Megawatts (MW)	Net Change (%)
Total Internal Demand (50/50)	3,482	3,353	-3.7%
Demand Response: Available	205	241	17.6%
Net Internal Demand	3,277	3,112	-5.0%
Resource Projections	Megawatts (MW)	Megawatts (MW)	Net Change (%)
Existing-Certain Capacity	3,894	3,964	1.8%
Tier 1 Planned Capacity	0	0	0.0%
Net Firm Capacity Transfers	25	25	0.0%
Anticipated Resources	3,919	3,989	1.8%
Existing-Other Capacity	0	0	0.0%
Prospective Resources	3,919	3,989	1.8%
Reserve Margins	Percent (%)	Percent (%)	Annual Difference
Anticipated Reserve Margin	19.59%	28.17%	8.6
Prospective Reserve Margin	19.59%	28.17%	8.6
Reference Margin Level	11.00%	11.00%	0.0

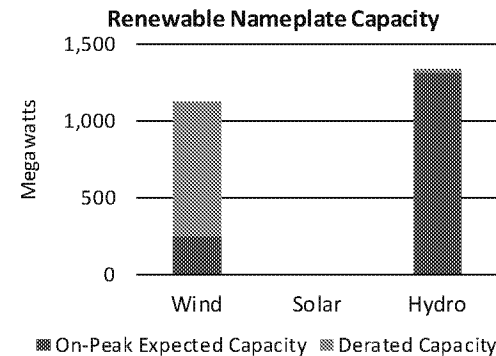
Highlights

- SaskPower anticipates that it will maintain reliability on its system during the upcoming season.
- There are no known operational challenges anticipated for the upcoming season.

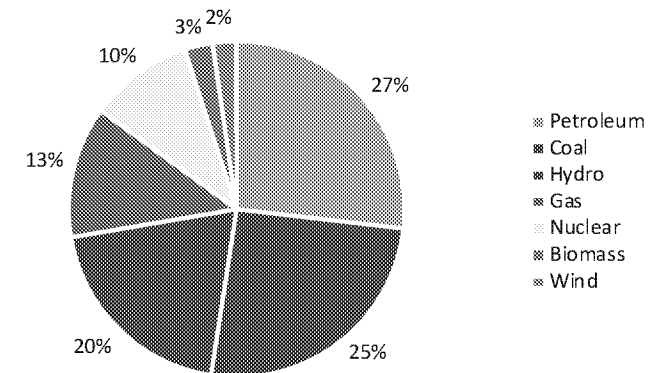


NPCC-Maritimes

The Maritimes Assessment Area is a winter-peaking NPCC subregion that contains two Balancing Authorities. It is comprised of the Canadian provinces of New Brunswick, Nova Scotia, and Prince Edward Island, and the northern portion of Maine, which is radially connected to the New Brunswick power system. The area covers 58,000 square miles, with a total population of 1.9 million people.



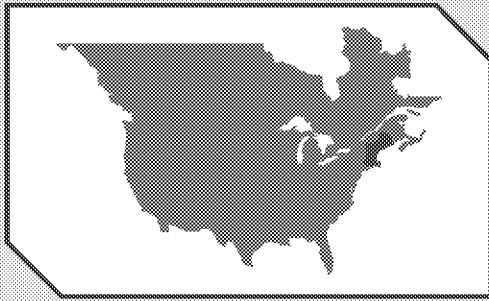
On-Peak Expected Capacity: Generation Mix



NPCC - Maritimes Resource Adequacy Data			
Demand, Resource, and Reserve Margins	2016 SRA	2017 SRA	2016 vs. 2017 SRA
Demand Projections	Megawatts (MW)	Megawatts (MW)	Net Change (%)
Total Internal Demand (50/50)	3,307	3,320	0.4%
Demand Response: Available	362	369	1.9%
Net Internal Demand	2,945	2,951	0.2%
Resource Projections	Megawatts (MW)	Megawatts (MW)	Net Change (%)
Existing-Certain Capacity	5,398	5,636	4.4%
Tier 1 Planned Capacity	0	0	0.0%
Net Firm Capacity Transfers	0	0	0.0%
Anticipated Resources	5,398	5,636	4.4%
Existing-Other Capacity	0	0	0.0%
Prospective Resources	5,398	5,636	4.4%
Reserve Margins	Percent (%)	Percent (%)	Annual Difference
Anticipated Reserve Margin	83.29%	90.99%	7.7
Prospective Reserve Margin	83.29%	90.99%	7.7
Reference Margin Level	20.00%	20.00%	0.0

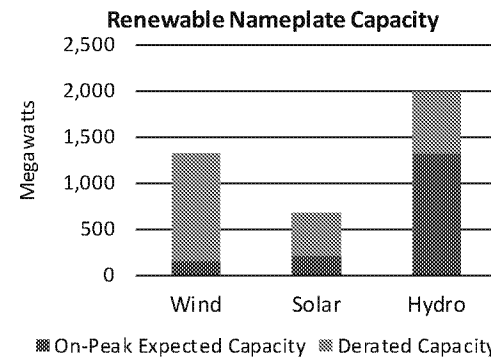
Highlights

- Maritimes anticipates that it will maintain reliability on its system during the upcoming season.
- There are planned upgrades on the 345 kV transmission system, but since the Maritimes is a winter peaking system these transfer limitations are not expected to impact reliability.
- If conditions were to change due to unplanned transmission or generator outages, operating adjustments would be addressed by Operations Engineering by a Short Term Operating Procedure (STOP) for the New Brunswick Power Control Room.

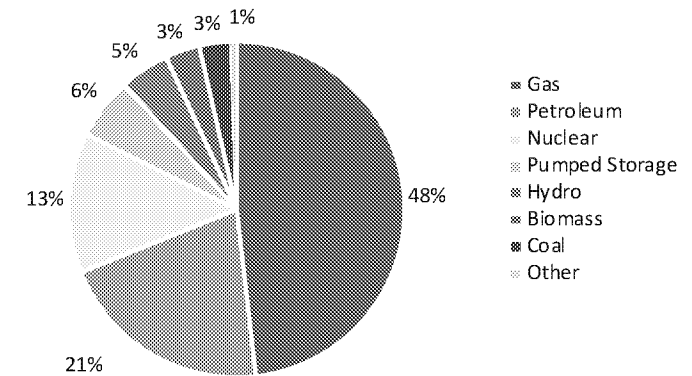


NPCC-New England

ISO New England (ISO-NE) Inc. is a regional transmission organization that serves Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. It is responsible for the reliable day-to-day operation of New England's bulk power generation and transmission system and also administers the area's wholesale electricity markets and manages the comprehensive planning of the regional BPS. The New England regional electric power system serves approximately 14.5 million people over 68,000 square miles.



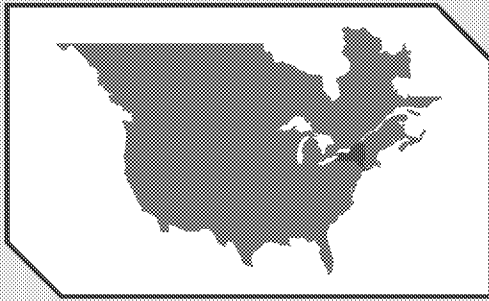
On-Peak Expected Capacity: Generation Mix



NPCC - New England Resource Adequacy Data			
Demand, Resource, and Reserve Margins	2016 SRA	2017 SRA	2016 vs. 2017 SRA
Demand Projections	Megawatts (MW)	Megawatts (MW)	Net Change (%)
Total Internal Demand (50/50)	26,704	26,482	-0.8%
Demand Response: Available	557	382	-31.4%
Net Internal Demand	26,147	26,100	-0.2%
Resource Projections	Megawatts (MW)	Megawatts (MW)	Net Change (%)
Existing-Certain Capacity	30,196	28,738	-4.8%
Tier 1 Planned Capacity	33	0	-100.0%
Net Firm Capacity Transfers	1,062	1,246	17.3%
Anticipated Resources	31,291	29,984	-4.2%
Existing-Other Capacity	290	315	8.6%
Prospective Resources	31,581	30,299	-4.1%
Reserve Margins	Percent (%)	Percent (%)	Annual Difference
Anticipated Reserve Margin	19.67%	14.88%	-4.8
Prospective Reserve Margin	20.78%	16.09%	-4.7
Reference Margin Level	17.60%	15.10%	-2.5

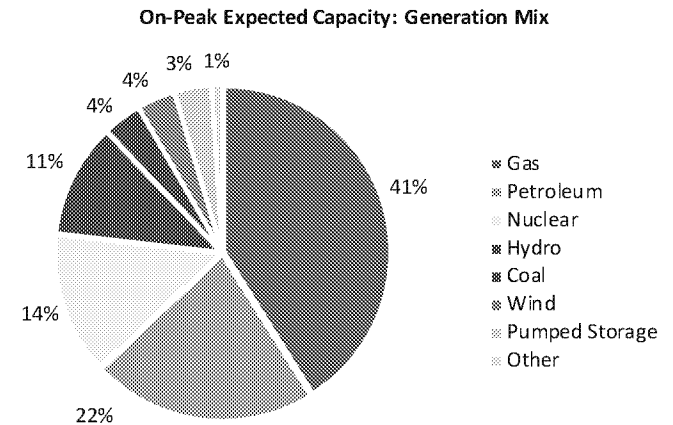
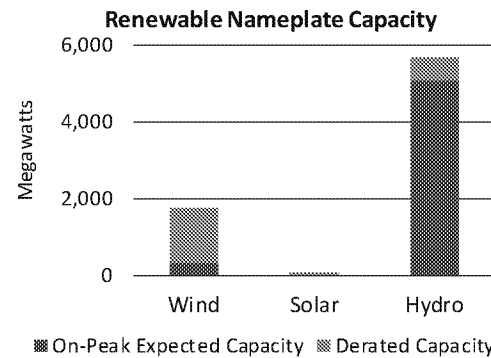
Highlights

- The New England net margins represent factors such as 1,246 MW (23 percent) of net import with respect to approximately 5,400 MW of full import capability, and two generator delays in commissioning with a combined capacity supply obligation (CSO) of 674 MW.
- If forecasted summer conditions materialized, New England may need to rely on import capabilities from neighboring Areas, as well as the possible implementation of emergency operating procedures (EOPs). These actions are anticipated to provide sufficient energy or load relief to cover the forecasted deficiency in operable capacity.



NPCC-New York

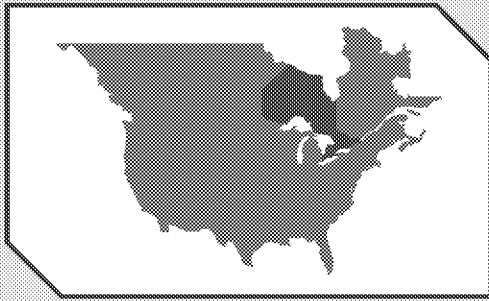
The New York Independent System Operator (NYISO) is the only Balancing Authority (NYBA) within the state of New York. NYISO is a single-state ISO that was formed as the successor to the New York Power Pool—a consortium of the eight IOUs—in 1999. NYISO manages the New York State transmission grid, encompassing approximately 11,000 miles of transmission lines, over 47,000 square miles, and serving the electric needs of 19.5 million people. New York experienced its all-time peak load of 33,956 MW in the summer of 2013.



NPCC - New York Resource Adequacy Data			
Demand, Resource, and Reserve Margins	2016 SRA	2017 SRA	2016 vs. 2017 SRA
Demand Projections	Megawatts (MW)	Megawatts (MW)	Net Change (%)
Total Internal Demand (50/50)	33,360	33,178	-0.5%
Demand Response: Available	1,248	1,192	-4.5%
Net Internal Demand	32,112	31,986	-0.4%
Resource Projections	Megawatts (MW)	Megawatts (MW)	Net Change (%)
Existing-Certain Capacity	38,535	38,581	0.1%
Tier 1 Planned Capacity	0	0	0.0%
Net Firm Capacity Transfers	1,769	2,533	43.2%
Anticipated Resources	40,304	41,114	2.0%
Existing-Other Capacity	0	0	0.0%
Prospective Resources	40,304	41,114	2.0%
Reserve Margins	Percent (%)	Percent (%)	Annual Difference
Anticipated Reserve Margin	25.51%	28.54%	3.0
Prospective Reserve Margin	25.51%	28.54%	3.0
Reference Margin Level	17.50%	18.00%	0.5

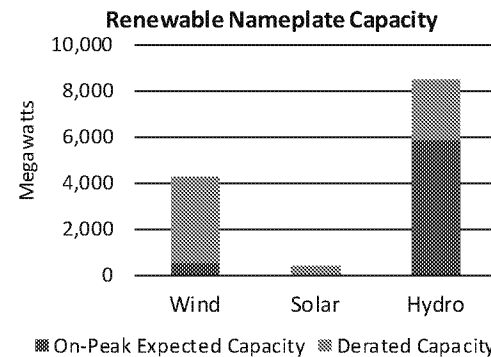
Highlights

- High capacity factors on certain New York City peaking units could result in possible violations of daily NO_x emission limits if they were to fully respond to the NYISO dispatch signals; this could occur during long duration hot weather events or following the loss of significant generation or transmission assets in NYC.
- In 2001, the New York State Department of Environmental Conservation (DEC) extended a prior agreement with the New York Power Pool to address the potential violation of NO_x and opacity regulations if the NYISO is required to keep these peaking units operating to avoid the loss of load.

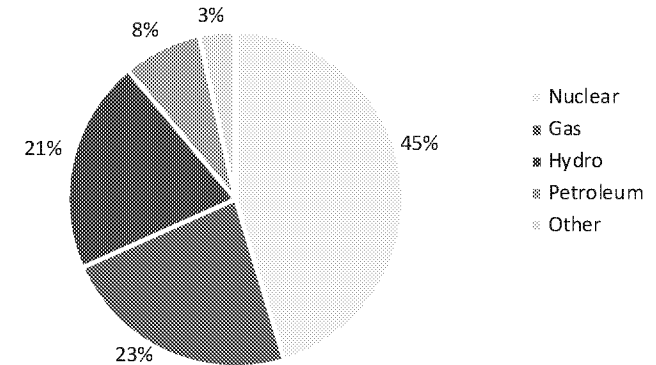


NPCC-Ontario

The Independent Electricity System Operator (IESO) is the Balancing Authority for the province of Ontario. The province of Ontario covers more than 1 million square kilometers (415,000 square miles) and has a population of more than 13 million people. Ontario is interconnected electrically with Québec, MRO-Manitoba, states in MISO (Minnesota and Michigan), and NPCC-New York.



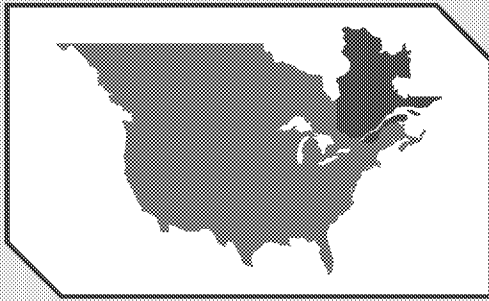
On-Peak Expected Capacity: Generation Mix



NPCC - Ontario Resource Adequacy Data			
Demand, Resource, and Reserve Margins	2016 SRA	2017 SRA	2016 vs. 2017 SRA
Demand Projections	Megawatts (MW)	Megawatts (MW)	Net Change (%)
Total Internal Demand (50/50)	22,587	22,614	0.1%
Demand Response: Available	674	737	9.3%
Net Internal Demand	21,913	21,877	-0.2%
Resource Projections	Megawatts (MW)	Megawatts (MW)	Net Change (%)
Existing-Certain Capacity	25,940	24,692	-4.8%
Tier 1 Planned Capacity	370.235	354	-4.5%
Net Firm Capacity Transfers	0	0	0.0%
Anticipated Resources	26,310	25,045	-4.8%
Existing-Other Capacity	0	0	0.0%
Prospective Resources	26,310	25,045	-4.8%
Reserve Margins	Percent (%)	Percent (%)	Annual Difference
Anticipated Reserve Margin	20.07%	14.48%	-5.6
Prospective Reserve Margin	20.07%	14.48%	-5.6
Reference Margin Level	17.55%	13.50%	-4.1

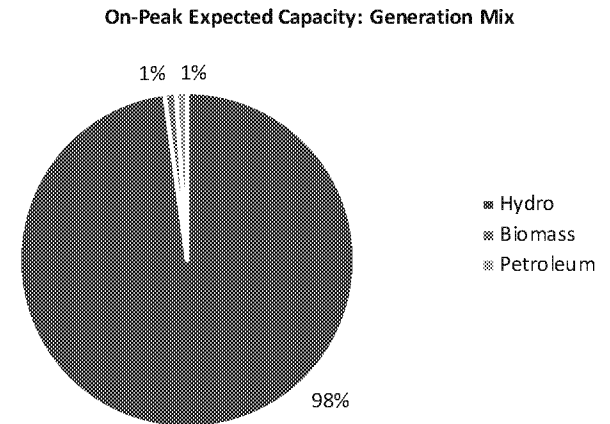
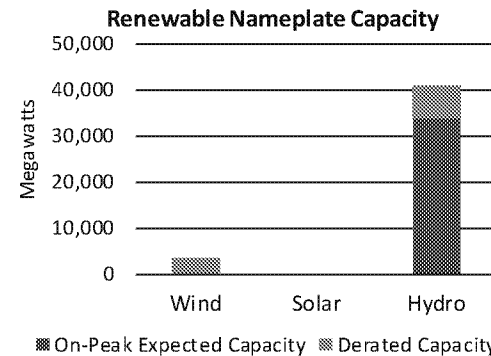
Highlights

- If extreme weather conditions materialize, the IESO may need to reject some generator maintenance outages to ensure that Ontario demand is met during the summer peak.
- High voltages in southern Ontario continue to present operational challenges during periods when the level of transfers on the 500 kV system are reduced. To address this issue on a more permanent basis, the IESO requested Hydro One to install additional high voltage reactors at Lennox TS with a target in-service date of Q4 2020.



NPCC-Québec

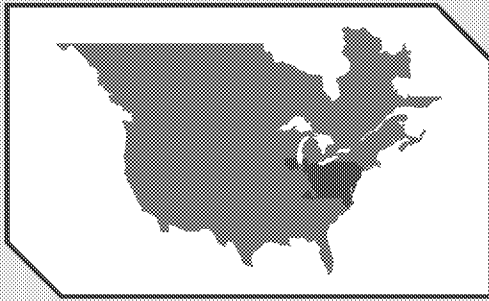
The Québec Assessment Area (Province of Québec) is a winter-peaking NPCC sub region that covers 595,391 square miles with a population of eight million. Québec is one of the four NERC interconnections in North America, with ties to Ontario, New York, New England, and the Maritimes, consisting of either HVDC ties or radial generation or load to and from neighboring systems.



NPCC - Québec Resource Adequacy Data			
Demand, Resource, and Reserve Margins	2016 SRA	2017 SRA	2016 vs. 2017 SRA
Demand Projections	Megawatts (MW)	Megawatts (MW)	Net Change (%)
Total Internal Demand (50/50)	20,833	20,506	-1.6%
Demand Response: Available	0	0	0.0%
Net Internal Demand	20,833	20,506	-1.6%
Resource Projections	Megawatts (MW)	Megawatts (MW)	Net Change (%)
Existing-Certain Capacity	34,048	34,478	1.3%
Tier 1 Planned Capacity	0	5	0.0%
Net Firm Capacity Transfers	-1,947	-1,855	-4.7%
Anticipated Resources	32,101	32,628	1.6%
Existing-Other Capacity	0	0	0.0%
Prospective Resources	32,101	32,628	1.6%
Reserve Margins	Percent (%)	Percent (%)	Annual Difference
Anticipated Reserve Margin	54.08%	59.11%	5.0
Prospective Reserve Margin	54.08%	59.11%	5.0
Reference Margin Level	11.60%	12.00%	0.4

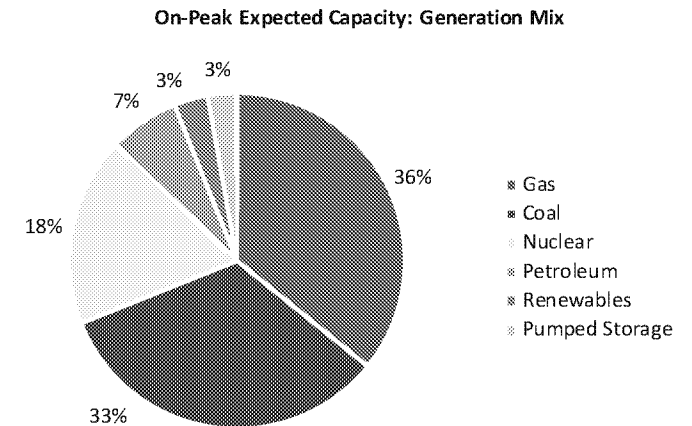
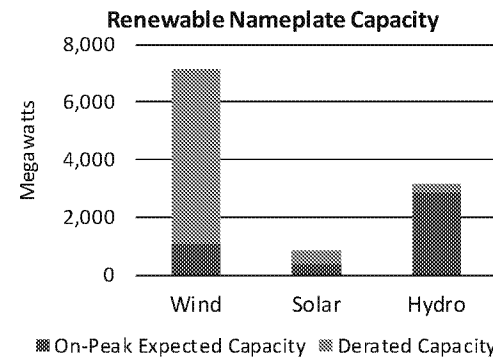
Highlights

- Québec predicts that it will maintain resource adequacy system is winter peaking. Québec area expects to be able to provide assistance to other areas if needed, up to the transfer capability available.
- Most transmission line, transformer and generating unit maintenance is done during the summer period. Internal transmission outage plans are assessed to meet internal demand, firm sales, expected additional sales and additional uncertainty margins. They should not impact inter-area transfer capabilities with neighboring systems.



PJM

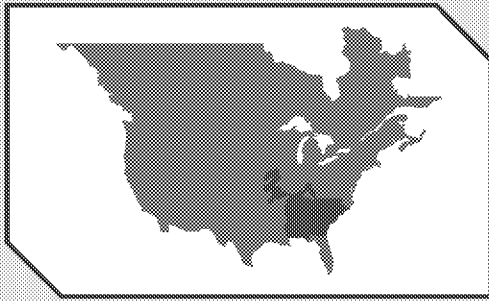
PJM Interconnection is a regional transmission organization (RTO) that coordinates the movement of wholesale electricity in all or parts of Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and the District of Columbia. PJM serves 61 million people and covers 243,417 square miles. PJM is a Balancing Authority, Planning Coordinator, Transmission Planner, Resource Planner, Interchange Authority, Transmission Operator, Transmission Service Provider, and Reliability Coordinator.



PJM Resource Adequacy Data			
Demand, Resource, and Reserve Margins	2016 SRA	2017 SRA	2016 vs. 2017 SRA
Demand Projections	Megawatts (MW)	Megawatts (MW)	Net Change (%)
Total Internal Demand (50/50)	152,131	152,999	0.6%
Demand Response: Available	8,777	9,120	3.9%
Net Internal Demand	143,354	143,879	0.4%
Resource Projections	Megawatts (MW)	Megawatts (MW)	Net Change (%)
Existing-Certain Capacity	179,360	179,695	0.2%
Tier 1 Planned Capacity	0	734	0.0%
Net Firm Capacity Transfers	5,353	4,304	-19.6%
Anticipated Resources	184,713	184,734	0.0%
Existing-Other Capacity	0	319	0.0%
Prospective Resources	184,713	185,053	0.2%
Reserve Margins	Percent (%)	Percent (%)	Annual Difference
Anticipated Reserve Margin	28.85%	28.40%	-0.5
Prospective Reserve Margin	28.85%	28.62%	-0.2
Reference Margin Level	16.40%	16.60%	0.2

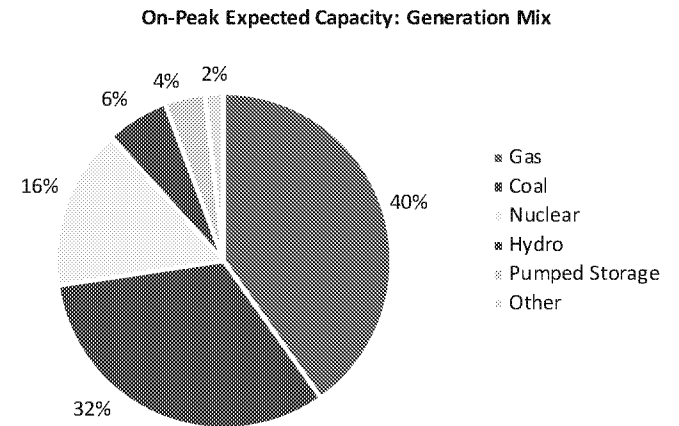
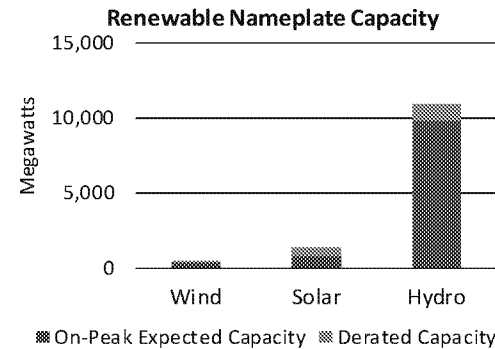
Highlights

- Anticipated Reserve Margin is 28%, which is above the PJM Reserve Requirement of 16.6%.
- Forecasted load growth is lower than it has been in previous years.
- Coal capacity retirements and introduction of new natural gas capacity continues.



SERC

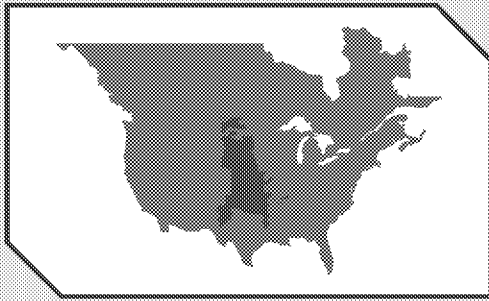
The SERC assessment area covers approximately 308,900 square miles, serves a population estimated at 39.4 million, and is divided into three reporting areas: SERC-E, SERC-N, and SERC-SE. The SERC assessment area consists of 11 Balancing Authorities including: Alcoa Power Generating, Inc.–Yadkin Division, Associated Electric Cooperative, Inc., Duke Energy Carolinas and Duke Energy Progress, Electric Energy, Inc., LG&E and KU Services Company, PowerSouth Energy Cooperative, South Carolina Electric & Gas Company, South Carolina Public Service Authority, Southern Company Services, Inc., and Tennessee Valley Authority.



SERC Resource Adequacy Data						
Demand, Resource, and Reserve Margins	SERC-E	SERC-N	SERC-SE	2016 SRA SERC Total	2017 SRA SERC Total	2016 vs. 2017 SRA
Demand Projections	Megawatts	Megawatts	Megawatts	Megawatts	Megawatts	Net Change (%)
Total Internal Demand (50/50)	44,408	41,978	46,423	131,994	132,809	0.6%
Demand Response: Available	1,355	1,714	2,165	4,640	5,234	12.8%
Net Internal Demand	43,053	40,264	44,258	127,354	127,575	0.2%
Resource Projections	Megawatts	Megawatts	Megawatts	Megawatts	Megawatts	Net Change (%)
Existing-Certain Capacity	50,145	49,193	61,437	161,532	160,776	-0.5%
Tier 1 Planned Capacity	84	1,002	220	1,875	1,306	-30.3%
Net Firm Capacity Transfers	214	-1,070	-1,313	-3,133	-2,169	-30.8%
Anticipated Resources	50,443	49,126	60,344	160,274	159,913	-0.2%
Existing-Other Capacity	42	1,603	648	2,361	2,294	-2.9%
Prospective Resources	50,485	50,729	60,992	162,635	162,207	-0.3%
Planning Reserve Margins	Percent (%)	Percent (%)	Percent (%)	Percent (%)	Percent (%)	Annual Difference
Anticipated Reserve Margin	17.17%	22.01%	36.35%	25.85%	25.35%	-0.5
Prospective Reserve Margin	17.26%	25.99%	37.81%	27.70%	27.15%	-0.6
Reference Margin Level	15.00%	15.00%	15.00%	15.00%	15.00%	0.0

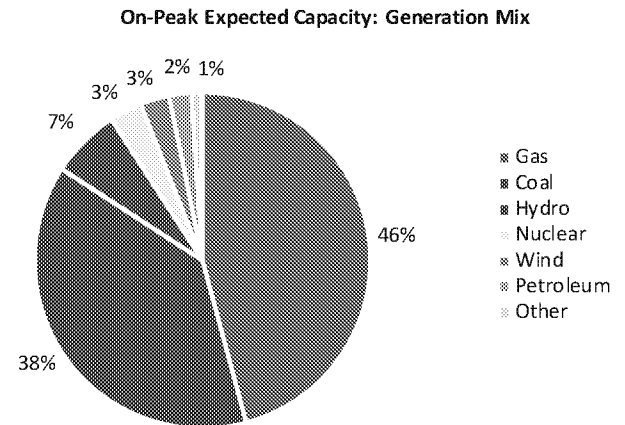
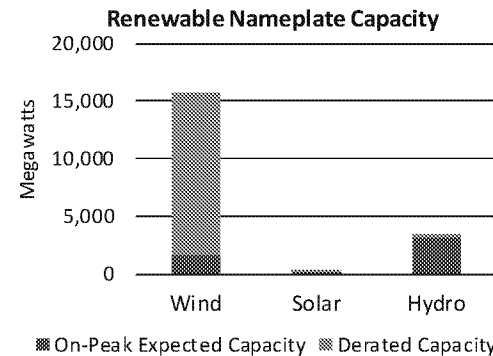
Highlights

- SERC expects similar summer conditions as compared to 2016 and anticipates that it will maintain system reliability through drought or high temperatures.
- SERC continues to evaluate reserve margins for its assessment area to ensure the deliverability of resources within its footprint. SERC is working to increase awareness of data reporting inconsistencies between NERC and the Regions, particularly regarding the installation of distributed renewable resources.



SPP

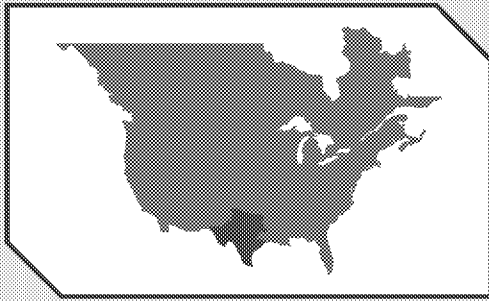
Southwest Power Pool (SPP) Planning Coordinator footprint covers 575,000 square miles and encompasses all or parts of Arkansas, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming. The SPP Long-Term Assessment is reported based on the Planning Coordinator footprint, which touches parts of the Southwest Power Pool Regional Entity, Midwest Reliability Organization Regional Entity, and Western Electricity Coordinating Council. The SPP Assessment Area footprint has approximately 61,000 miles of transmission lines, 756 generating plants, and 4,811 transmission-class substations, and it serves a population of 18 million people.



SPP Resource Adequacy Data			
Demand, Resource, and Reserve Margins	2016 SRA	2017 SRA	2016 vs. 2017 SRA
Demand Projections	Megawatts (MW)	Megawatts (MW)	Net Change (%)
Total Internal Demand (50/50)	53,430	52,587	-1.6%
Demand Response: Available	785	828	5.5%
Net Internal Demand	52,645	51,759	-1.7%
Resource Projections	Megawatts (MW)	Megawatts (MW)	Net Change (%)
Existing-Certain Capacity	67,649	65,092	-3.8%
Tier 1 Planned Capacity	0	67	0.0%
Net Firm Capacity Transfers	-447	369	-182.5%
Anticipated Resources	67,201	65,528	-2.5%
Existing-Other Capacity	0	0	0.0%
Prospective Resources	67,201	65,528	-2.5%
Reserve Margins	Percent (%)	Percent (%)	Annual Difference
Anticipated Reserve Margin	27.65%	26.60%	-1.0
Prospective Reserve Margin	27.65%	26.60%	-1.0
Reference Margin Level	13.60%	12.00%	-1.6

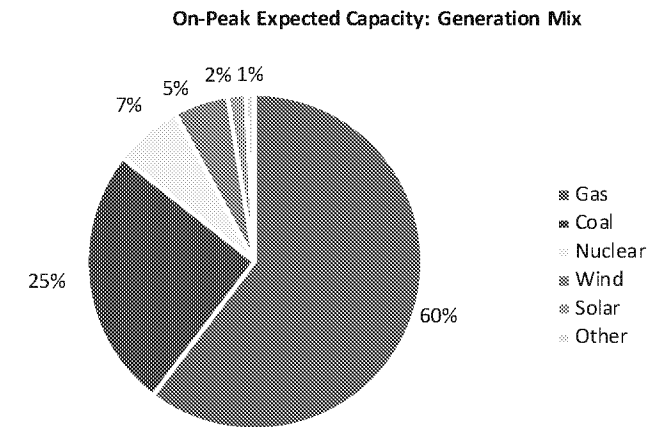
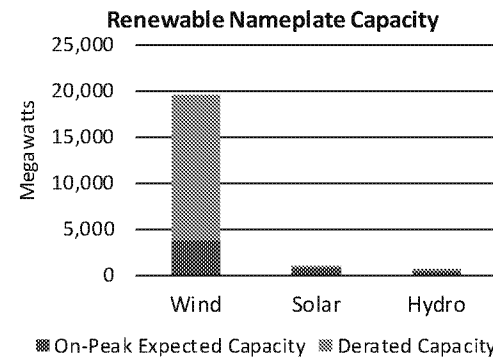
Highlights

- SPP's increasing penetration of renewable generation poses operational challenges, which require additional analysis in short-term situations. These challenges, however, are more prevalent in the shoulder seasons and pose less risk for impact during the summer season.
- SPP does not foresee any impacts to resource adequacy for the upcoming summer season.



Texas RE-ERCOT

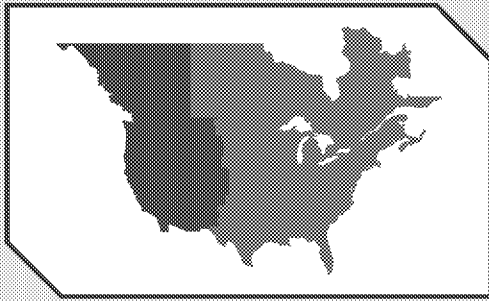
The Electric Reliability Council of Texas (ERCOT) is the ISO for the ERCOT Interconnection and is located entirely in the state of Texas; it operates as a single Balancing Authority. ERCOT is a summer-peaking region that covers approximately 200,000 square miles, connects 40,530 miles of transmission lines, and 566 generation units, and serves 23 million customers. The Texas Reliability Entity (Texas RE) is responsible for the RE functions described in the *Energy Policy Act of 2005* for the ERCOT Region.



ERCOT Resource Adequacy Data			
Demand, Resource, and Reserve Margins	2016 SRA	2017 SRA	2016 vs. 2017 SRA
Demand Projections	Megawatts (MW)	Megawatts (MW)	Net Change (%)
Total Internal Demand (50/50)	70,588	72,934	3.3%
Demand Response: Available	2,525	2,572	1.9%
Net Internal Demand	68,063	70,362	3.4%
Resource Projections	Megawatts (MW)	Megawatts (MW)	Net Change (%)
Existing-Certain Capacity	76,247	77,845	2.1%
Tier 1 Planned Capacity	1247.976	2,937	135.4%
Net Firm Capacity Transfers	1,122	140	-87.5%
Anticipated Resources	78,617	80,922	2.9%
Existing-Other Capacity	0	0	0.0%
Prospective Resources	78,617	80,922	2.9%
Reserve Margins	Percent (%)	Percent (%)	Annual Difference
Anticipated Reserve Margin	15.51%	15.01%	-0.5
Prospective Reserve Margin	15.51%	15.01%	-0.5
Reference Margin Level	13.75%	13.75%	0.0

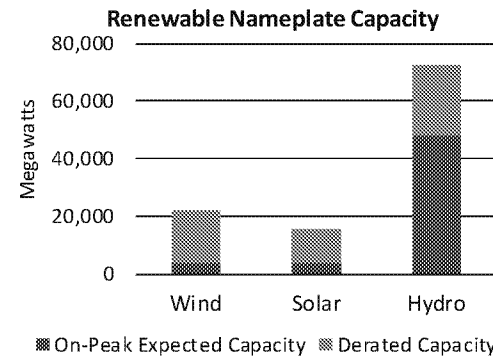
Highlights

- ERCOT expects no system-wide or significant regional reliability issues for the summer of 2017.
- Due to high load growth and the limited number of generating resources supporting the Lower Rio Grande Valley (southern tip of Texas), ERCOT will closely monitor local reliability risks resulting from high import flows and contingency events involving multiple pieces of transmission equipment. ERCOT defined a transmission flow limit, called a Generic Transmission Constraint, to help manage flows across impacted lines.
- To address transmission congestion issues in oil and gas producing regions of West Texas, transmission companies are adding several 138 kV transmission elements in the region. ERCOT is finalizing updates to Congestion Management Plans by June 1.

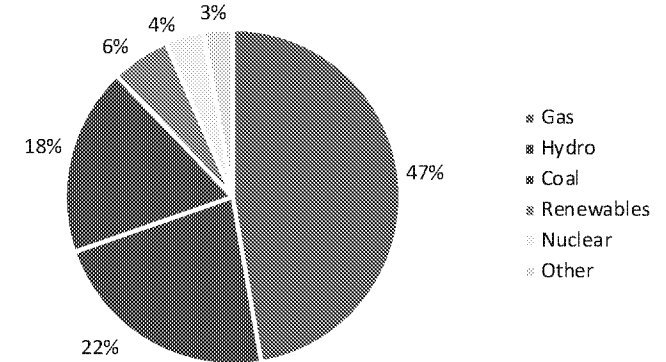


WECC

The Western Electricity Coordinating Council (WECC) is responsible for coordinating and promoting Bulk Electric System reliability in the Western Interconnection. WECC's 329 members, which include 38 Balancing Authorities, represent a wide spectrum of organizations with an interest in the BES. Serving an area of nearly 1.8 million square miles and over 82 million people, it is geographically the largest and most diverse of the NERC Regional Entities. WECC's service territory extends from Canada to Mexico. It includes the provinces of Alberta and British Columbia in Canada, the northern portion of Baja California in Mexico, and all or portions of the 14 western states in between. The WECC Assessment Area is divided into five subregions: Rocky Mountain Reserve Group (RMRG), Southwest Reserve Sharing Group (SRSG), California/Mexico (CA/MX), and the Northwest Power Pool (NWPP), which is further divided into the NW-Canada and NW-US areas. These subregional divisions are used for this study, as they are structured around reserve sharing groups that have similar annual demand patterns and similar operating practices.



On-Peak Expected Capacity: Generation Mix



WECC Resource Adequacy Data								
Demand, Resource, and Reserve Margins	CA/MX	NWPP CA	NWPP US	RMRG	SRSG	2016 SRA Total	2017 SRA Total	2016 vs. 2017 SRA
Demand Projections	MW	MW	MW	MW	MW	MW	MW	Net Change (%)
Total Internal Demand (50/50)	55,498	19,340	49,459	12,361	23,357	154,480	154,627	0.1%
Demand Response: Available	1605	0	1413	500	371	3,736	3,889	4.1%
Net Internal Demand	53,893	19,340	48,046	11,861	22,986	150,744	150,738	-0.0%
Resource Projections	MW	MW	MW	MW	MW	MW	MW	Net Change (%)
Existing-Certain Capacity	53,513	25,251	56,434	18,262	32,854	188,506	183,062	-2.9%
Tier 1 Planned Capacity	568	324	75	17	29	1,900	994	-47.7%
Net Firm Capacity Transfers	9,894	0	2,602	-3,167	-3,272	0	0	0.0%
Anticipated Resources	63,975	25,575	59,111	15,112	29,611	190,406	184,056	-3.3%
Existing-Other Capacity	0	0	0	0	0	0	0	0.0%
Prospective Resources	63,975	25,575	59,111	15,112	29,611	190,406	184,056	-3.3%
Planning Reserve Margins	%	%	%	%	%	%	%	Annual Difference
Anticipated Reserve Margin	18.71%	32.24%	23.03%	27.41%	28.82%	26.31%	22.10%	-4.2
Prospective Reserve Margin	18.71%	32.24%	23.03%	27.41%	28.82%	26.31%	22.10%	-4.2
Reference Margin Level	16.14%	10.96%	16.56%	14.17%	15.83%	15.37%	15.40%	0.0

Highlights

- The availability of the Aliso Canyon Natural Gas storage facility remains an item of concern for electric reliability within the western interconnection, and more specifically, southern California.
- The anticipated abundance of hydro generated electricity may be used to displace generation from gas-fired units freeing up more natural gas for the Los Angeles basin area if natural gas availability becomes an issue.
- WECC staff will continue to monitor and participate in activities related to the Aliso Canyon Natural Gas storage facility and identify any potential impacts to electric reliability.

Data Concepts and Assumptions Guide

The table below explains data concepts and important assumptions used throughout this assessment.

General Assumptions
Reliability of the interconnected BPS is comprised of both Adequacy and Operating Resiliency.
Adequacy is the ability of the electric system to supply the aggregate electric power and energy requirements of the electricity consumers at all times, taking into account scheduled and reasonably expected unscheduled outages of system components.
Operating Resiliency is the ability of the electric system to withstand sudden disturbances such as electric short circuits or unanticipated loss of system components.
The reserve margin calculation is an important industry planning metric used to examine future resource adequacy.
All data in this assessment are based on existing federal, state, and provincial laws and regulations.
Differences in data collection periods for each assessment area should be considered when comparing demand and capacity data between year-to-year seasonal assessments.
A positive net transfer capability would indicate a net importing assessment area; a negative value would indicate a net exporter.
Demand Assumptions
Electricity demand projections, or load forecasts, are provided by each assessment area.
Load forecasts include peak hourly load, ¹³ or total internal demand, for the summer and winter of each year. ¹⁴
Total internal demand projections are based on normal weather (50/50 distribution) ¹⁵ and are provided on a coincident ¹⁶ basis for most assessment areas.
Net internal demand, used in all reserve margin calculations, and is equal to total internal demand, reduced by the amount of controllable and dispatchable demand response projected to be available during the peak hour.
Resource Assumptions
Resource planning methods vary throughout the North American BPS. NERC uses the following categories to provide a consistent approach for collecting and presenting resource adequacy:
<u>Anticipated Resources</u>
<ul style="list-style-type: none"> Existing-certain capacity: Included in this category are commercially operable generating units, or portions of generating units, that meet at least one of the following requirements when examining the period of peak demand for the winter season: (1) unit must have a firm capability and have a power purchase agreement (PPA) with firm transmission must be in effect for the unit; (2) unit must be classified as a designated network resource; (3) where energy-only markets exist, unit must be a designated market resource eligible to bid into the market. Tier 1 capacity additions: includes capacity that either is under construction or has received approved planning requirements. Net firm capacity transfers (imports minus exports): transfers with firm contracts.
<u>Prospective Resources</u> : Includes all anticipated resources, plus:
<ul style="list-style-type: none"> Existing-other capacity: included in this category are commercially operable generating units, or portions of generating units, that are expected to be available to serve load for the period of peak demand for the summer or winter season, but do not meet the requirements of existing-certain.

¹³ Glossary of Terms Used in NERC Reliability Standards

¹⁴ The summer season represents June–September and the winter season represents December–February.

¹⁵ Essentially, this means that there is a 50% probability that actual demand will be higher and a 50% probability that actual demand will be lower than the value provided for a given season/year.

¹⁶ Coincident: The sum of two or more peak loads that occur in the same hour. Noncoincident: The sum of two or more peak loads on individual systems that do not occur in the same time interval. Meaningful only when considering loads within a limited period of time, such as a day, a week, a month, a heating or cooling season, and usually for not more than one year. SERC and FRCC calculate total internal demand on a noncoincidental basis.

Reserve Margins

Reserve Margins: the primary metric used to measure resource adequacy, defined as the difference in resources (anticipated or prospective) and net internal demand, divided by net internal demand, shown as a percentile.

Anticipated Reserve Margin =

$$\frac{(\text{Anticipated Resources} - \text{Net Internal Demand})}{\text{Net Internal Demand}}$$

Net Internal Demand

Prospective Reserve Margin =

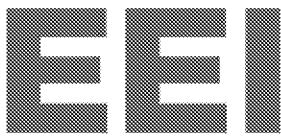
$$\frac{(\text{Prospective Resources} - \text{Net Internal Demand})}{\text{Net Internal Demand}}$$

Net Internal Demand

Reference Margin Level: the assumptions of this metric vary by assessment area. The reference margin level is typically based on load, generation, and transmission characteristics for each assessment area and, in some cases, the reference margin level is a requirement implemented by the respective state(s), provincial authorities, ISO/RTO, or other regulatory bodies. If such a requirement exists, the respective assessment area generally adopts this requirement as the reference margin level. In some cases, the reference margin level will fluctuate over the duration of the assessment period, or may be different for the summer and winter seasons. If one is not provided by a given assessment area, NERC applies a 15% reference margin level for predominately thermal systems and 10% for predominately hydro systems.

On-Peak Expected Capacity Generation Mix – Generation mix is aggregated from 2016 LTRA data. Fuel types with nominal quantities were aggregated together as fuel types, renewables, other renewables, or other fuels.

Renewable Nameplate Capacities – These charts include renewable on peak and nameplate (de-rated and expected on peak added together) capacities.



Edison Electric
INSTITUTE

Power by Association

Subject: Potential Electric Reliability Risks Due to Cessation of Power Generation as a Result of the Closure Unlined Surface Impoundments Under 40 CFR Part 257.101 for the Failure to Meet Groundwater Protection Standards

EPA Docket ID: EPA-HQ-OLEM-2016-0274

Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals from Electric Utilities; Extension of Compliance Deadlines for Certain Inactive Surface Impoundments; Response to Partial Vacatur

Summary of EEI Findings

As part of an internal EEI review to assess the potential impacts on electric reliability due to the possible inability of affected resource owners to sufficiently remediate certain coal combustion residuals (CCR) surface impoundments by the dates set forth in the above reference EPA Final Rule, EEI developed the following high level evaluation of the reliability impacts associated with forcing affected coal fired resources into a “Forced Outage”¹ mode. While the term Forced Outage is more typically used to describe a generating unit, transmission line or other facility that is out of service due to an equipment failure, the impact of a forced outage due to an entity’s inability to meet the EPA deadline would result in the same effect as an actual equipment failure since the resource would be unavailable for service.

Those reviewing the EEI findings should recognize that our findings were not part of any detailed planning study and provide a very high level review of possible worst case impacts on a regional level. Moreover, those reviewing our high level findings should consider the following:

1. This review only considered a worst case scenario due to the closure of unlined CCR impoundments not meeting groundwater protection standards. (i.e., all affected resources would be in a Forced Outage mode due to not meeting the compliance date for mitigating their CCR obligations).
2. When assessing the impact of CCR related outages, EEI utilized the published Anticipated Reserve Margin since this includes operable capacity expected to be available to serve load with firm transmission along with Tier 1 capacity and Firm Capacity Transfers.
3. No effort was made to consider the impact of “Prospective Reserves”, which broadly represent the inclusion of operable capacity that may lack firm transmission, Tier 2 capacity additions and nonfarm Capacity Transfers (imports minus exports) without firm contracts.

¹ NERC Glossary of Terms; Forced Outage: 1. The removal from service availability of a generating unit, transmission line, or other facility for emergency reasons. 2. The condition in which the equipment is unavailable due to unanticipated failure.

4. Reserve Margin impacts were only considered during “On Peak”² periods.
5. In the context of this review, it is considered that in order to maintain Reliable Operation³ of the BES, the Anticipated Reserve Margin⁴ as defined in sessional reliability assessments developed by NERC are to held be at or above the published Reference Reserve Margin⁵.
6. For purposes of this review, EEI used data from the NERC 2017 Summer Reliability Assessment⁶. No effort was done to consider similar impacts during winter months which may be more or less severe by region.
7. EEI recognizes that the likelihood of all CCR impacted resources not meeting the EPA imposed compliance deadline is highly unlikely.
8. EEI does not have sufficient insights to accurately predict the resource mix by fuel type beyond what has been provided in the NERC 2017 Summer Reliability Assessment.
9. The contribution of Coal Fired resources as considered in this review is as indicated in the NERC 2017 Summer Reliability Assessment and as identified as “On-Peak Expected Capacity: Generation Mix”.

EEI Findings:

Assessment Area	Potential Reliability Impact (<i>during “On-Peak” periods</i>)
ERCOT	Loss of Impacted CCR Coal Resources could result in the anticipated summer reserve margin for ERCOT dropping below the level identified as necessary to maintain regional reliability.
FRCC	Loss of Impacted CCR Coal Resources appears to be insufficient to affect regional reliability.
MISO	MISO is highly dependent on coal resources. The apparent affect resulting from the loss of CCR Resources could have significant impacts within this region, which could necessitate MISO to shed load, rely on imports or both in order meet their peak load demands as well as require additional resource contracts to support reliability reserves.
NPCC-Maritimes	No regional impacts
NPCC-New England	No regional impacts

² NERC Glossary of Terms; On-Peak: Those hours or other periods defined by NAESB business practices, contract, agreements, or guides as periods of higher electrical demand.

³ NERC Glossary of Terms; Reliable Operation: Operating the elements of the [Bulk-Power System] within equipment and electric system thermal, voltage, and stability limits so that instability, uncontrolled separation, or cascading failures of such system will not occur as a result of a sudden disturbance, including a cybersecurity incident, or unanticipated failure of system elements.

⁴ Anticipated reserve margin is quantify of resource reserves that has been identified through a detailed planning assessments which can be expected to support BES reliability in the event of an unanticipated failure of a system element. (See NERC Reliability Standard: TPL-001-4)

⁵ The reference reserve margin is the reserve margin that has been identified by the regional planner as necessary to ensure Reliable Operation.

⁶

<http://www.nerc.com/pa/RAPA/ra/Reliability%20Assessments%20DL/2017%20Summer%20Assessment.pdf>

NPCC-New York	No regional impacts
PJM	Loss of Impacted CCR Coal Resources would result in the anticipated summer reserve margin for PJM dropping below the level identified as necessary to maintain regional reliability.
SERC	SERC is highly dependent on coal resources. The impact resulting from the loss of CCR Resources would be significant potentially requiring SERC to shed load, rely on imports or both in order meet their peak load requirements and reliability reserves.
SPP	Loss of Impacted CCR Coal Resources would result in the anticipated summer reserve margin for SPP dropping below the level identified as necessary to maintain regional reliability.
WECC	Loss of impacted CCR coal reserves would have marginal impacts on WECC reliability. While the loss of these reserves would cause WECC to fall below the reference reserve level, it would only fall slightly below that level.

Generating Capacity of Units with Unlined Surface Impoundments

NERC Assessment Area and State	Nameplate Capacity (MW)				Expected Capacity Of Coal by Region (NERC Summer Reliability Assessment)	Percent of Coal Fired Generating Capacity at Risk due to Unlined Surface Impoundments	Estimated Reserve Impact	2017 Summer Reference Margin Level	2017 Summer Anticipated Reserve Margin	Potential Reserve Margin due to CCR Forced Outages	Notes
	All Generating Units	All Coal-Fired Generating Units	All Generating Units at Plants with Unlined Surface Impoundments (MW)	All Coal-Fired Generating Units at Plants with Unlined Surface Impoundments (MW)							
ASCC	3,209	164	81	81	3%	50%	1%		NA	NA	
Alaska	3,209	164	81	81	3%	50%	1%				
ERCOT	114,149	21,177	7,469	7,470	25%	35%	9%	13.75%	18.90%	10.1%	Loss of impacted CCR Resources could result in having inadequate reserves during peak periods.
Texas	114,149	21,177	7,469	7,470	25%	35%	9%				
FRCC	66,818	10,010	6,162	5,855	9%	58%	5%	15.00%	23.43%	18.0%	No impact
Florida	66,818	10,010	6,162	5,855	9%	58%	5%				
HCC	3,146	203	0	0	0%	0%	0%		NA	NA	
Hawaii	3,146	203	0	0	0%	0%	0%				
MISO	198,989	72,230	46,419	41,321	43%	57%	25%	15.80%	18.77%	10.4%	MISO is highly dependent of coal resources. The loss of impacted CCR Resources could have substantial impacts during peak periods.
Arkansas	12,489	4,320	0	0	0%	0%	0%				
Illinois	18,722	9,686	7,684	6,801	41%	70%	29%				
Indiana	21,217	13,747	11,989	10,231	57%	74%	42%				
Iowa	18,144	6,325	4,240	4,161	23%	66%	15%				
Kentucky	2,650	2,255	781	682	29%	30%	9%				
Louisiana	27,758	4,207	721	721	3%	17%	0%				
Michigan	30,162	10,704	7,548	5,821	25%	54%	14%				
Minnesota	18,134	4,835	3,542	3,542	20%	73%	14%				
Mississippi	7,935	400	400	400	5%	100%	5%				
Missouri	9,804	5,430	5,772	5,378	59%	99%	58%				
Montana	241	54	0	0	0%	0%	0%				
North Dakota	4,897	1,894	450	450	9%	24%	2%				
South Dakota	1,162	456	356	355	31%	78%	24%				
Texas	6,624	0	0	0	0%	0%	0%				
Wisconsin	19,050	7,917	2,936	2,779	15%	35%	5%				
NPCC-Maritimes	323	0	0	0	0%	0%	0%	20.00%	90.99%	90.99%	No impacted resources
Maine	323	0	0	0	0%	0%	0%				
NPCC-New England	36,225	965	0	0	0%	0%	0%	15.10%	14.88%	14.9%	No impacted resources
Connecticut	9,816	400	0	0	0%	0%	0%				
Maine	5,000	0	0	0	0%	0%	0%				
Massachusetts	13,675	6	0	0	0%	0%	0%				
New Hampshire	4,797	559	0	0	0%	0%	0%				
Rhode Island	2,124	0	0	0	0%	0%	0%				
Vermont	814	0	0	0	0%	0%	0%				
NPCC-New York	44,191	1,738	0	0	0%	0%	0%	18.00%	28.54%	28.54%	No impacted resources
New York	44,191	1,738	0	0	0%	0%	0%				
PJM	213,685	65,046	45,563	43,556	33%	67%	22%	16.60%	28.4%	6.3%	Loss of impacted CCR Resources could result in having inadequate reserves during peak periods.
Delaware	3,543	446	0	0	0%	0%	0%				
District of Columbia	25	0	0	0	0%	0%	0%				
Illinois	32,838	4,437	2,288	1,917	7%	43%	3%				
Indiana	7,450	3,960	3,904	3,904	52%	99%	52%				
Kentucky	5,302	2,622	2,549	2,278	48%	87%	42%				
Maryland	14,736	5,127	0	0	0%	0%	0%				
Michigan	2,469	0	0	0	0%	0%	0%				
New Jersey	19,887	691	0	0	0%	0%	0%				
North Carolina	1,666	137	0	0	0%	0%	0%				
Ohio	31,807	16,537	15,512	15,262	49%	92%	45%				
Pennsylvania	49,249	14,139	10,788	10,391	22%	73%	16%				
Virginia	29,120	3,701	2,921	2,220	10%	60%	6%				
West Virginia	15,594	13,250	7,602	7,584	49%	57%	28%				
SERC - Combined	188,899	56,130	68,810	48,960	32%	87%	27.91%	15.00%	25.35%	17.14%	SERC is highly dependent of coal resources. The loss of impacted CCR Resources could have substantial impacts during peak periods.
SERC-E	57,645	16,156	19,551	14,921	32%	92%	29.55%	15.00%	17.17%	17.4%	SERC-E is highly dependent of coal resources. The loss of impacted CCR Resources could have substantial impacts during peak periods.
Georgia	18	0	0	0	0%	0%	0%				
North Carolina	33,201	10,527	14,051	10,499	42%	100%	42%				
South Carolina	24,425	5,629	5,500	4,422	23%	79%	18%				
SERC-N	59,565	20,708	22,753	16,282	32%	79%	25.16%	15.00%	22.01%	10.2%	SERC-N is highly dependent of coal resources. The loss of impacted CCR Resources could have substantial impacts during peak periods.
Alabama	7,175	0	476	0	7%	0%	0%				
Arkansas	679	0	0	0	0%	0%	0%				
Georgia	47	0	0	0	0%	0%	0%				
Kentucky	15,820	9,446	12,730	9,445	80%	100%	80%				
Mississippi	5,443	514	0	0	0%	0%	0%				
Missouri	4,309	2,482	2,482	2,482	58%	100%	58%				
North Carolina	688	53	0	0	0%	0%	0%				
Oklahoma	1,066	0	0	0	0%	0%	0%				
Tennessee	24,336	8,215	7,065	4,355	29%	53%	15%				
Virginia	4	0	0	0	0%	0%	0%				
SERC-SE	71,689	19,265	26,506	17,757	32%	92%	29.50%	15.00%	36.35%	6.9%	Loss of impacted CCR Resources could result in having inadequate reserves during peak periods.
Alabama	24,619	6,745	10,040	6,562	41%	97%	40%				
Florida	2,376	1,135	662	0	28%	0%	0%				
Georgia	40,325	10,289	12,575	10,098	31%	98%	31%				
Mississippi	4,370	1,097	2,229	1,097	51%	100%	51%				
SPP	90,560	26,561	10,577	9,402	38%	35%	13%	12%	26.60%	11.1%	No impact
Arkansas	3,231	1,167	558	558	17%	48%	8%				
Iowa	918	0	0	0	0%	0%	0%				
Kansas	17,210	5,235	3,820	3,820	22%	73%	16%				
Louisiana	1,002	0	0	0	0%	0%	0%				
Minnesota	165	0	0	0	0%	0%	0%				
Missouri	9,658	4,498	1,374	1,374	14%	31%	4%				
Montana	220	0	0	0	0%	0%	0%				
Nebraska	8,999	3,983	324	324	4%	8%	0%				
New Mexico	2,272	0	0	0	0%	0%	0%				

NERC Assessment Area and State	All Generating Units	All Coal-Fired Generating Units	All Generating Units at Plants with Unlined Surface Impoundments (MW)	All Coal-Fired Generating Units at Plants with Unlined Surface Impoundments (MW)	On-Peak Expected Capacity Of Coal by Region (NERC Summer Reliability Assessment)	Percent of Coal Fired Generating Capacity at Risk due to Unlined Surface Impoundments	Estimated Reserve Impact	2017 Summer Reference Margin Level	2017 Summer Anticipated Reserve Margin	Potential Reserve Margin due to CCR Forced Outages	Notes
North Dakota	3,670	2,279	0	0	0%	0%	0%				Loss of impacted CCR Resources could result in relatively minor impacts, but nevertheless inadequate reserves during peak periods.
Oklahoma	26,633	4,777	2,094	919	8%	19%	2%				
South Dakota	3,120	0	0	0	0%	0%	0%				
Texas	12,890	4,053	1,837	1,837	14%	45%	6%				
Wyoming	570	570	570	570	100%	100%	100%				
WECC-Combined	145,038	32,199	15,034	13,463	18%	47%	8%	11.40%	22.18%	14.57%	No impact
WECC--CAMX-US	84,675	131	0	0	0%	0%	0%	16.14%	18.71%	18.71%	
California	84,672	131	0	0	0%	0%	0%				
Nevada	3	0	0	0	0%	0%	0%				
WECC--NWPP	86,405	13,474	5,297	5,297	18%	39%	7%	16.56%	23.03%	16.0%	
California	113	0	0	0	0%	0%	0%				
Idaho	5,305	19	0	0	0%	0%	0%				
Montana	5,907	2,518	2,272	2,272	38%	90%	35%				
Nevada	13,213	809	0	0	0%	0%	0%				
Oregon	17,393	642	0	0	0%	0%	0%				
Utah	9,602	4,930	0	0	0%	0%	0%				No impact
Washington	31,351	1,460	0	0	0%	0%	0%				
Wyoming	3,520	3,096	3,025	3,025	86%	98%	84%				
WECC--RMRG	23,060	8,625	5,685	4,459	18%	52%	9%	14.17%	27.41%	18.10%	
Colorado	18,025	5,535	3,728	2,502	21%	45%	9%				
South Dakota	145	0	0	0	0%	0%	0%				
Wyoming	4,890	3,090	1,957	1,957	40%	63%	25%				
WECC--SRSG	40,947	9,970	4,052	3,706	18%	37%	7%	15.83%	28.82%	22.1%	
Arizona	31,897	6,229	2,416	2,070	8%	33%	3%				
New Mexico	7,485	3,741	1,636	1,636	22%	44%	10%				
Texas	1,566	0	0	0	0%	0%	0%				
Grand Total	1,195,281	286,420	200,115	170,107	17%	59%	10%		NA	NA	

NERC

NORTH AMERICAN ELECTRIC
RELIABILITY CORPORATION

2017 Long-Term Reliability Assessment

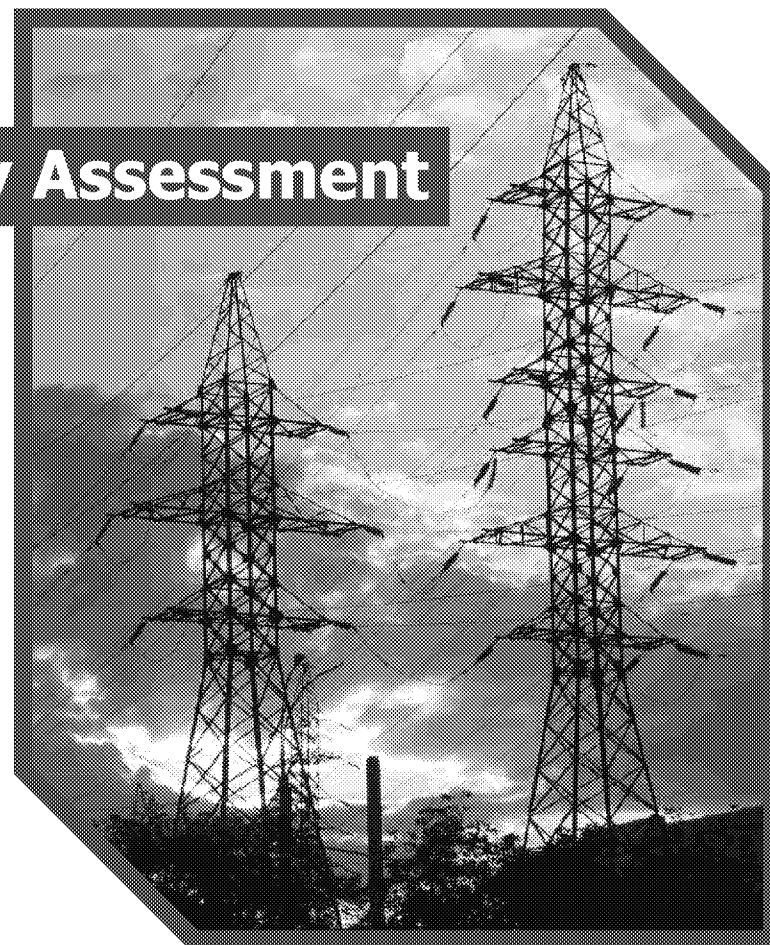
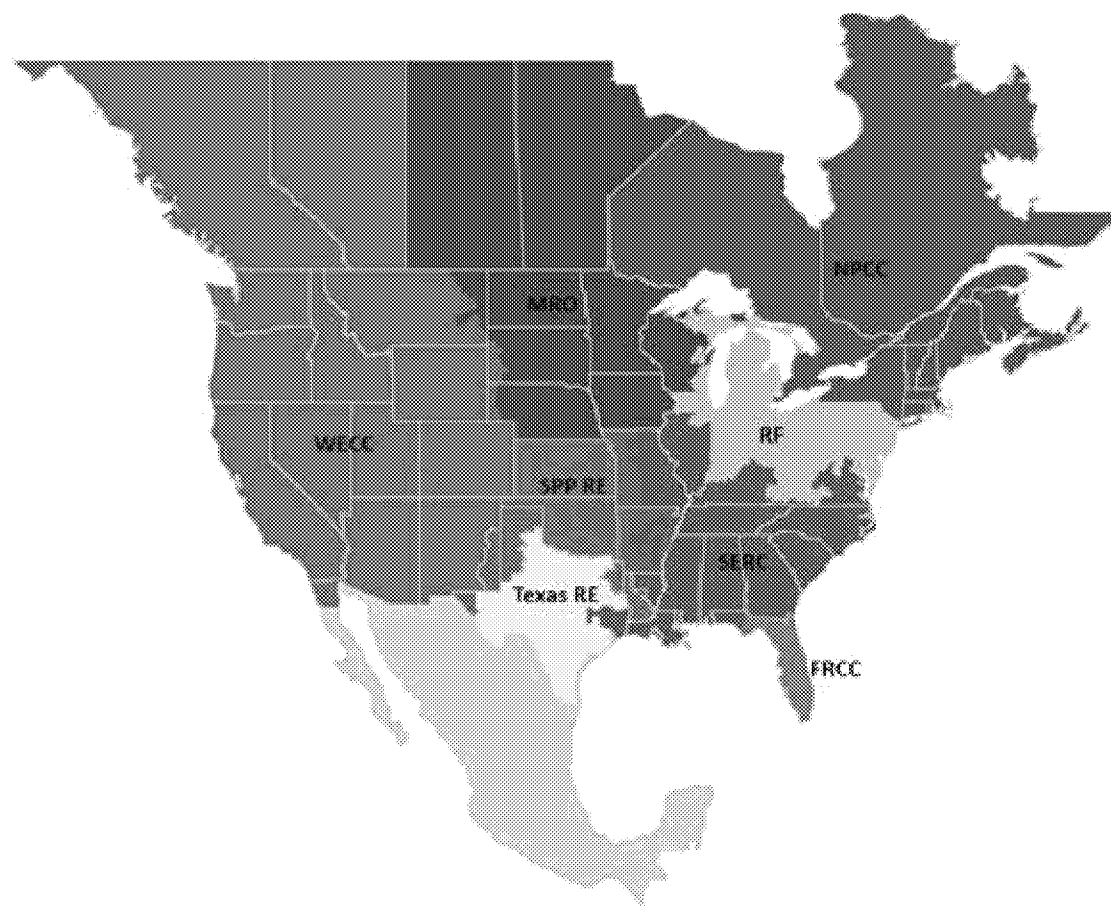


Table of Contents

Preface	3	Assessment Area Dashboards and Summaries	37
About This Assessment	4	FRCC	39
Executive Summary	5	MISO	41
Detailed Review of 2017 Findings	7	MRO-Manitoba Hydro	43
Reserve Margin Analysis	8	MRO-SaskPower	45
Changing Resource Mix	13	NPCC-Maritimes	47
Essential Reliability Services	18	NPCC-New England	49
Reference Margin Levels	25	NPCC-New York	51
Variable Energy Resources	27	NPCC-Ontario	53
Fuel Assurance	30	NPCC-Québec	55
Transmission Additions	32	PJM	57
Additional Reliability Issues	35	SERC	59
		SPP	65
		Texas RE-ERCOT	67
		WECC	70
		Data Concepts and Assumptions	80

Preface

The North American Electric Reliability Corporation (NERC) is a not-for-profit international regulatory authority whose mission is to assure the reliability and security of the bulk power system (BPS) in North America. NERC develops and enforces Reliability Standards; annually assesses seasonal and long-term reliability; monitors the BPS through system awareness; and educates, trains, and certifies industry personnel. NERC's area of responsibility spans the continental United States, Canada, and the northern portion of Baja California, Mexico. NERC is the Electric Reliability Organization (ERO) for North America, subject to oversight by the Federal Energy Regulatory Commission (FERC) and governmental authorities in Canada. NERC's jurisdiction includes users, owners, and operators of the BPS, which serves more than 334 million people. The North American BPS is divided into eight Regional Entity (RE) boundaries as shown in the map below. To see a map of the 21 assessment area boundaries, see the **Assessment Area Dashboards and Summaries** section.



About This Assessment

This *2017 Long-Term Reliability Assessment (2017 LTRA)* was developed by NERC in accordance with the Energy Policy Act of 2005 ([Title 18, § 39.11¹ of the Code of Federal Regulations](#)).^{2,3} This assessment also fulfils the [ERO's Rules of Procedure](#), which instructs NERC to conduct periodic assessments of the North American BPS.⁴

2017 Format Update

In response to feedback from NERC's Board of Trustees and other NERC stakeholders, the *2017 LTRA* is presented in a more succinct format to highlight data and information that is especially impactful to the long-term outlook of the North American BPS. This transition to a shorter format was executed without impacting the comprehensive assessment development process described in the [Data Concepts and Assumptions section](#). Interested parties should contact [NERC Staff](#) with any questions.

There is an errata for this report. It can be found on [page 82](#).

Development Process

This assessment was developed based on [data](#) and [narrative information](#) collected by NERC from the eight Regional Entities on an assessment area basis to independently assess the long-term reliability of the North American BPS while identifying trends, emerging issues, and potential risks during the 10-year assessment period.⁵

¹ Section 39.11(b) of the U.S. FERC's regulations provide: "The Electric Reliability Organization shall conduct assessments of the adequacy of the Bulk-Power System in North America and report its findings to the Commission, the Secretary of Energy, each Regional Entity, and each Regional Advisory Body annually or more frequently if so ordered by the Commission."

² This is also referred to as Section 215 of the Federal Power Act in which the United States Congress directed NERC to conduct periodic assessments of the reliability and adequacy of the BPS in North America.

³ H.R. 6 as approved by of the One Hundred Ninth Congress of the United States, the Energy Policy Act of 2005. The NERC Rules of Procedure, Section 800, further detail the objectives, scope, data and information requirements, and Reliability Assessment Process requiring annual seasonal and long-term reliability assessments.

⁴ BPS reliability does not include the reliability of the lower-voltage distribution systems, which systems use to account for 80 percent of all electricity supply interruptions to end-use customers.

⁵ Adequacy means having sufficient resources to provide customers with a continuous supply of electricity at the proper voltage and frequency, virtually all of the time. Resources refer to a combination of electricity-generating and transmission facilities that produce and deliver electricity and demand-response programs that reduce customer demand for electricity. Adequacy requires System Operators and planners to account for scheduled and reasonably expected unscheduled outages of equipment while maintaining a constant balance between supply and demand.

The Reliability Assessment Subcommittee (RAS), at the direction of NERC's Planning Committee, supported the development of this assessment through a comprehensive and transparent peer review process that leveraged the knowledge and experience of system planners, RAS members, NERC staff, and other subject matter experts. This peer review process ensures the accuracy and completeness of all data and information. This assessment was also reviewed by the NERC Planning Committee and the NERC Board of Trustees, who subsequently accepted the report and endorsed the key findings.

Data Considerations

Projections in the *2017 LTRA* are not predictions of what will happen; they are based on information supplied in July 2017 with updates incorporated prior to publication. The assessment period for the *2017 LTRA* is from 2018–2027; however, some figures and tables examine data and information for year 2017. The assessment was developed using a consistent approach for projecting future resource adequacy through the application of NERC's assumptions and assessment methods. NERC's standardized data reporting and instructions were developed through stakeholder processes to promote data consistency across all the reporting entities, which is further explained in the [Data Concepts and Assumptions section](#).

Reliability impacts related to physical and cybersecurity risks are not addressed in this assessment, which is primarily focused on resource adequacy. NERC leads a multi-faceted approach through the Electricity-Information Sharing and Analysis Center (E-ISAC) to promote mechanisms to address these risks, including exercises and information-sharing efforts with the electric industry.

Executive Summary

The electricity sector is undergoing significant and rapid change that presents new challenges for reliability. With appropriate insight, careful planning, and continued support, the electricity sector will continue to navigate the associated challenges in a manner that maintains reliability and resilience. As NERC has identified in recent assessments, retirements of conventional generation and the rapid addition of variable resources (e.g., wind and solar) are altering the operating characteristics of the grid. A significant influx of natural gas generation raises unique considerations regarding risks related to fuel assurance. While related risks and corresponding mitigations are unique to each area, industry stakeholders and policymakers should continue to respond with policies and plans to address fuel availability. This *2017 LTRA* serves as a comprehensive, reliability-focused perspective on the 10-year outlook for the North American BPS and identifies potential risks to inform industry planners and operators, regulators, and policy makers. Based on data and information collected for this *2017 LTRA*, NERC has independently identified the following four key findings:

Key Findings

Recent retirement announcements in Texas RE-ERCOT and the canceled nuclear plant expansion in SERC-E result in projected margin shortfalls for both assessment areas:

- SERC-E Anticipated and Prospective Reserve Margins drop below the Reference Margin Level beginning in Summer 2020.
- Recently announced plant retirements that were approved by ERCOT result in Anticipated Reserve Margins dropping below the Reference Margin Level beginning Summer 2018; Prospective Reserve Margins remain adequate.
- Other assessment areas project sufficient Anticipated Reserve Margins through 2022.

Amid slower demand growth, conventional generation continues to retire with rapid additions of natural gas, wind, and solar resources:

- NERC-wide electricity peak demand and energy growth are at the lowest rates on record with declining demand projected in three areas.
- Conventional generation retirements have outpaced conventional generation additions with continued additions of wind and solar.
- Retirement plans have been announced for 14 nuclear units, totaling 10.5 GW.
- Natural-gas-fired capacity has increased to 442 GW from 280 GW in 2009 with an additional 44.6 GW planned during the next decade.
- Wind generation currently accounts for more than 10 percent of total installed capacity in six areas with 14.8 GW (nameplate) of NERC-wide additions projected during the next decade.
- A total of 37 GW (nameplate) of solar additions are projected by 2022. Of these, 20 GW (nameplate) are distributed, raising visibility concerns for system planners.

The changing composition of the North American resource mix calls for more robust planning approaches to ensure adequate essential reliability services and fuel assurance:

- Operating procedures that recognize potential inertia constraints were recently established in ERCOT and Québec.
- With continued rapid growth of distributed solar, CAISO's three-hour ramping needs have reached 13 GW, exceeding earlier projections and reinforcing the need to access more flexible resources.
- Reference Margin Levels vary across North America depending on the resource mix.
- Methods for determining the on-peak availability of wind and solar are improving with growing performance data.
- Fuel assurance mechanisms offer important reliability benefits, particularly in areas with high levels of natural gas.

A total of 6,200 miles of transmission additions are planned to maintain reliability and meet policy objectives:

- Despite low or flat load growth, a total of 6,200 circuit miles of new transmission is planned throughout the assessment period with more than 1,100 circuit miles currently under construction.
- Actual transmission additions have increased despite lower projected energy growth.

Recommendations

NERC continually assesses the future reliability of the BPS by evaluating long-term plans and identifying risks. Based on the identified key findings, NERC has formulated the following recommendations:

Policy Makers and Regulators:

- **Support essential reliability services:** FERC should support new market products and/or changes to market rules that support the provision of essential reliability services, which includes frequency response and increased system flexibility.
- **Recognize time needed to maintain reliability:** State, federal, and provincial regulators should continue to recognize lead times for the generation, transmission, and natural gas infrastructure needed to maintain reliability as industry strives to meet policy goals and initiatives. Reliable operation of the BPS requires dependable capacity with fuel assurance to address consumer needs, impacts of extreme weather conditions, and sudden disturbances on the system.
- **Consider industry study recommendations when reviewing infrastructure requirements:** Regulators (including DOE and FERC) should consider results and conclusions of industry studies that evaluate the impact of natural gas disruptions to the BPS when evaluating infrastructure requirements.
- **Focus on reliability and resilience attributes to limit exposure to risk:** Regulators should consider the reliability and resilience attributes provided by generation to ensure that the generation resource mix continues evolving in a manner that maintains a reliable and resilient BPS.

Industry:

- **Support technologies that contribute to essential reliability services:** All new resources should have the capability to support voltage and frequency. Various technologies can contribute to essential reliability services, including variable energy resources; however, policies and market mechanisms need to reflect these requirements to ensure these services are maintained. Regional transmission organizations, independent system operators, and FERC have taken steps in this direction, and these positive steps must continue.

- **Integrate DERs with increased visibility:** In areas with expected growth in DERs, system operators and planners should gather data about the aggregate technical specifications of DERs connected to local distribution grids to ensure accurate system planning models, coordinated system protection, and real-time situation awareness.
- **Report on expected reliability concerns:** In areas impacted by an increasing share of natural-gas-fired generation, transmission planners and operators should identify and report on expected reliability concerns due to a large share of interruptible natural gas transportation and supplies. Where deregulated markets exist, market operators should develop additional rules or incentives to encourage increased fuel security, particularly during winter months.

NERC:

- **Conduct comprehensive evaluation of Reliability Standards:** NERC should conduct a comprehensive evaluation of its Reliability Standards to ensure compatibility with nonsynchronous and distributed resources as well as for completeness related to essential reliability services, generator performance, system protection and control, and balancing functions.
- **Monitor reserve margin short falls:** In light of the projected reserve margin shortfalls in TRE-ERCOT and SERC-E, NERC and the respective Regional Entities should identify and assess updated industry plans and proactive measures for maintaining reliability given the reduction in expected capacity resources. NERC and the Regions should determine the likelihood of a capacity shortage in these areas, evaluate the measures being taken, and identify updated plans in the 2018 Summer Reliability Assessment. Longer-term challenges will be evaluated in the 2018 LTRA.

Detailed Review of 2017 Findings

Reserve Margin Analysis

The canceled nuclear plant expansion in SERC-E results in a projected margin shortfall. Other Regions project sufficient margins during the next five years.

SERC-E

SERC-E's Anticipated and Prospective Reserve Margins fall below the Reference Margin Level (See **Figure 1**) beginning in Summer 2020. This development is further detailed below:

- The canceled expansion of the V.C. Summer nuclear power plant (approximately 2,200 MW) in SERC-E results in both Anticipated and Prospective Reserve Margins falling below the Reference Margin Level in 2020 and declining for the remainder of the assessment period.
- NERC will be coordinating closely with SERC on this issue in the coming years to assess potential reliability impacts as plans are established to address the shortfall.
- SERC entities are developing plans to replace the canceled plant expansion with other capacity or by acquiring additional resources to meet projected demand.
- SERC continues to monitor reliability impacts through transmission studies and resource adequacy assessments as well as coordination with appropriate state public utility commissions.

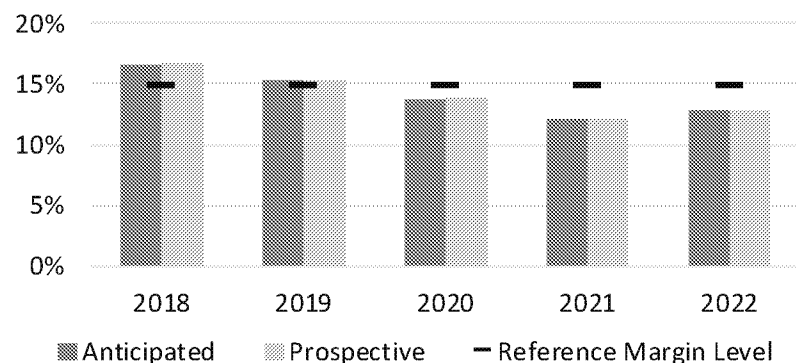


Figure 1: SERC-E Planning Reserve Margins

Texas RE-ERCOT

With ERCOT's approval of recently submitted plant retirements, Anticipated Reserve Margins fall below the Reference Margin Level, beginning in Summer 2018 (see **Figure 2**). ERCOT's Prospective Reserve Margins remain adequate. The details are as follows:

- Between September and October 2017, ERCOT received notice from Generator Owners of seven coal units and a single gas-steam unit about plans to take the units out of service between December 2017 and February 2018.
- The submitted retirements are for 4,600 MW and include the following units: Barney M. Davis Unit 1, Monticello Units 1–3, Big Brown 1 and 2, and Sandow 4 and 5.
- Between October and November 2017, ERCOT determined that these units are not needed for grid reliability and approved all seven retirement requests.
- Due to the late timing of the announcements, these planned retirements, as well as other recent resource updates, are not reflected in the 2017 LTRA Reference Case Reserve Margins.
- As presented in Figure 2, these unit retirements will reduce the summer 2018 Anticipated Reserve Margin by 6.5 percentage points, effectively decreasing it from 18.22 percent to 11.76 percent, below the Reference Margin Level of 13.75 percent.
- This reserve margin reduction does not account for any other resource updates, including replacement capacity that may be added in response to the announced retirements.

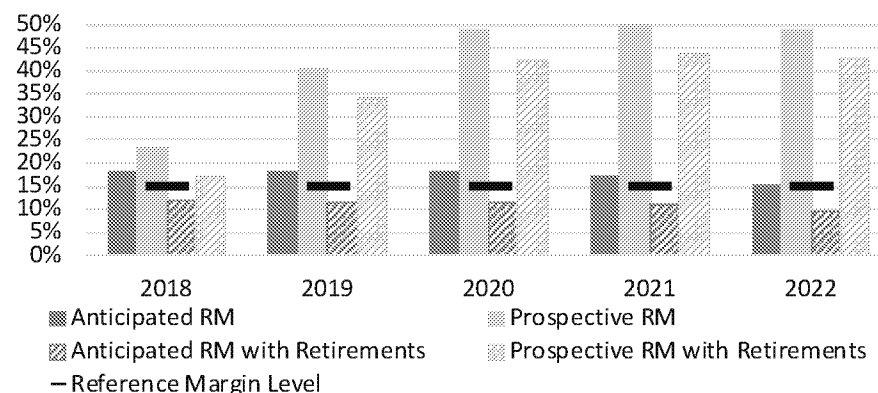


Figure 2: Texas RE-ERCOT Planning Reserve Margins with Announced Retirements

Assessment Area Reserve Margins

The 20 other assessment areas project sufficient short-term (2022) Anticipated Reserve Margins (see Figure 3). Table 1 on the following page provides the Planning Reserve Margins for 2018–2022.

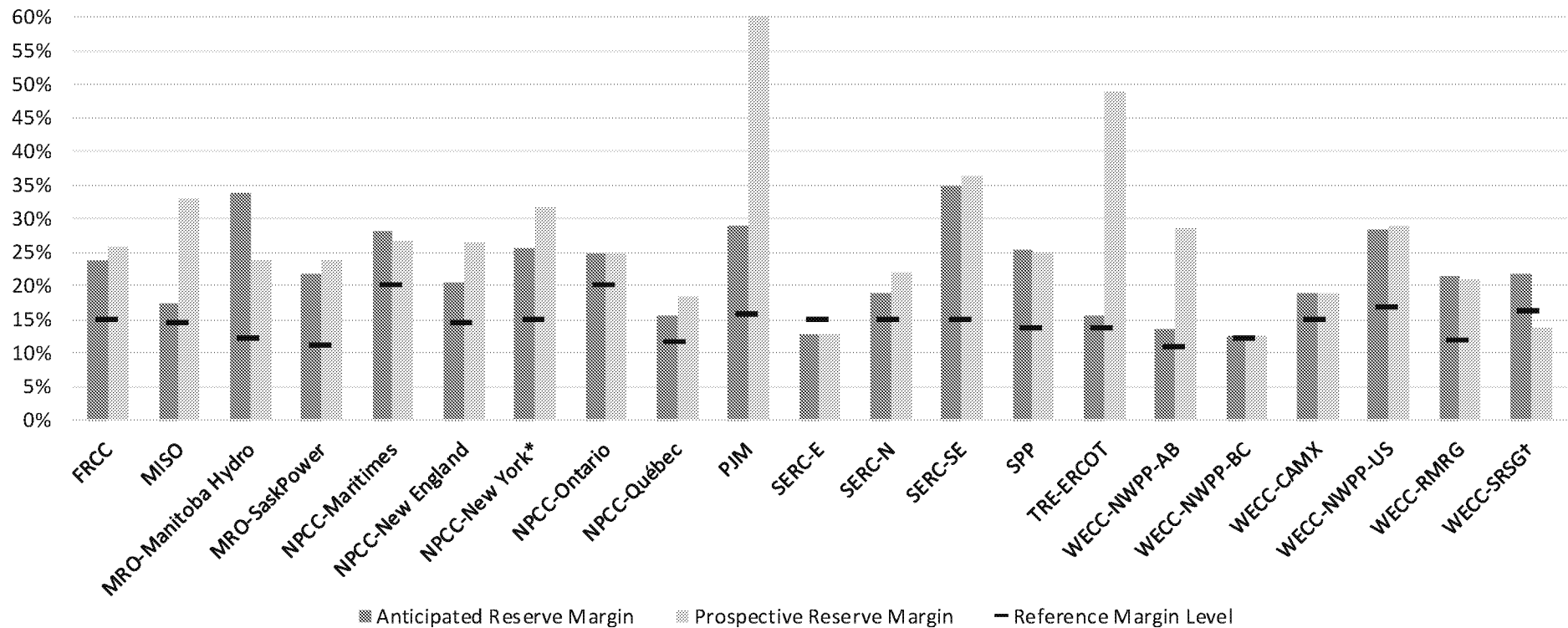


Figure 3: Assessment Area Reserve Margins

* For the NPCC-New York Assessment Area, NYISO uses a probabilistic model with installed capacity and equivalent forced outage rates for all resources in order to identify resource requirements. The result of NYISO's analysis produces the Installed Reserve Margin (IRM) which is established by the New York State Reliability Council (NYSRC) for one "Capability Year" (May 1, 2017 through April 30, 2018). In order to conform with the NERC PC-approved assessment approach, wind, solar, and run-of-river hydro are required to be derated to their "expected on-peak" summer and winter values. The following derates have been applied, based on NYISO's Unforced Capacity (UCAP) values: wind (20% of nameplate), run-of-river hydro (55% of nameplate), and solar (50% of nameplate). NERC has applied the "default" 15% Reference Margin Level for the entire 10-year assessment period. Because the IRM is based on installed capacity values, it should not be used to evaluate reserve margins that take into account resource availability.

† The Prospective Reserve Margin is below the Anticipated Reserve Margin for WECC-SRSG because there are currently more unconfirmed retirements projected than identified planned Tier 2 resources.

Table 1: Planning Reserve Margin Years (2018–2022)						
Assessment Area	Reserve Margins	2018	2019	2020	2021	2022
FRCC	Anticipated	21.36	22.50	22.49	21.35	23.78
	Prospective	22.49	23.89	23.65	23.48	25.89
	Reference Margin Level	15.0	15.00	15.00	15.00	15.00
MISO	Anticipated	19.23	19.79	19.38	18.93	17.28
	Prospective	26.18	28.45	33.35	34.04	32.96
	Reference Margin Level	15.80	15.80	15.80	15.80	15.80
MRO-Manitoba Hydro	Anticipated	15.29	18.76	17.65	24.73	33.74
	Prospective	17.85	18.85	12.30	14.64	23.72
	Reference Margin Level	12.00	12.00	12.00	12.00	12.00
MRO-SaskPower	Anticipated	17.02	26.13	29.97	27.73	21.68
	Prospective	17.02	26.13	29.97	29.76	23.74
	Reference Margin Level	11.00	11.00	11.00	11.00	11.00
NPCC-Maritimes	Anticipated	23.12	23.37	26.73	27.98	28.11
	Prospective	23.81	24.78	25.25	26.50	26.63
	Reference Margin Level	20.00	20.00	20.00	20.00	20.00
NPCC-New England	Anticipated	23.73	23.92	23.83	20.13	20.41
	Prospective	25.43	27.96	29.70	26.02	26.31
	Reference Margin Level	16.60	16.70	16.90	16.90	16.90
NPCC-New York	Anticipated	22.54	22.76	24.95	25.64	25.54
	Prospective	23.56	26.98	29.41	31.81	31.70
	Reference Margin Level	15.00	15.00	15.00	15.00	15.00
NPCC-Ontario	Anticipated	24.85	30.09	27.01	24.23	24.73
	Prospective	24.85	30.09	27.01	24.23	24.73
	Reference Margin Level	19.45	18.37	18.17	23.19	23.72
NPCC-Québec	Anticipated	17.71	16.79	15.08	16.36	15.53
	Prospective	20.77	19.83	18.10	19.35	18.49
	Reference Margin Level	12.90	12.90	12.90	12.90	12.90
PJM	Anticipated	32.47	33.43	28.01	28.89	28.85
	Prospective	38.00	46.71	52.51	58.51	60.67
	Reference Margin Level	16.70	16.60	16.60	16.60	16.60

Table 1: Planning Reserve Margin Years (2018–2022)						
Assessment Area	Reserve Margins	2018	2019	2020	2021	2022
SERC-E	Anticipated	16.53	15.22	13.67	11.99	12.76
	Prospective	16.62	15.31	13.77	12.08	12.86
	Reference Margin Level	15.00	15.00	15.00	15.00	15.00
SERC-N	Anticipated	21.45	20.31	19.93	19.40	18.92
	Prospective	24.56	23.38	22.98	22.44	21.95
	Reference Margin Level	15.00	15.00	15.00	15.00	15.00
SERC-SE	Anticipated	33.72	34.99	35.15	34.22	34.90
	Prospective	35.18	36.44	36.58	35.64	36.31
	Reference Margin Level	15.00	15.00	15.00	15.00	15.00
SPP	Anticipated	32.43	28.78	28.90	27.59	25.40
	Prospective	32.94	28.99	29.11	27.80	25.06
	Reference Margin Level	12.00	12.00	12.00	12.00	12.00
Texas RE-ERCOT	Anticipated	18.22	18.06	17.98	17.06	15.50
	Prospective	23.54	40.51	48.67	49.67	48.76
	Reference Margin Level	13.75	13.75	13.75	13.75	13.75
WECC-AB	Anticipated	21.52	21.35	18.22	15.93	13.61
	Prospective	22.16	26.43	30.29	31.17	28.55
	Reference Margin Level	11.03	11.03	11.03	11.03	11.03
WECC-BC	Anticipated	15.18	14.25	12.84	12.11	12.10
	Prospective	15.18	14.25	12.84	12.11	12.10
	Reference Margin Level	12.10	12.10	12.10	12.10	12.10
WECC-CAMX	Anticipated	19.17	20.70	20.59	22.71	18.85
	Prospective	19.17	20.70	20.59	22.71	18.85
	Reference Margin Level	16.14	16.14	16.14	16.14	16.14
WECC-NWPP-US	Anticipated	22.22	22.80	27.74	25.91	28.45
	Prospective	22.45	23.22	28.16	26.33	28.87
	Reference Margin Level	16.38	16.38	16.38	16.38	16.38
WECC-RMRG	Anticipated	23.66	26.01	25.95	22.86	21.39
	Prospective	23.30	25.38	25.40	22.32	20.86
	Reference Margin Level	14.17	14.17	14.17	14.17	14.17
WECC-SRSG	Anticipated	23.67	23.18	22.63	21.95	21.71
	Prospective	20.17	10.30	14.17	13.66	13.65
	Reference Margin Level	15.83	15.83	15.83	15.83	15.83

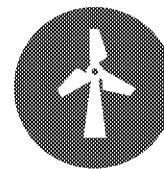
Amid slower demand growth, conventional generation continues to retire with rapid additions of natural gas, wind, and solar resources.



Demand



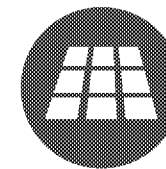
Natural Gas



Wind



Conventional Generation



Solar PV

What's Happening?

10-year compound annual growth rate (CAGR) of demand for North America is the lowest on record at 0.61% (summer) and 0.60% (winter).

Load growth in all assessment areas is under 2% with three NPCC assessment areas projecting negative load growth.

On-peak natural-gas-fired capacity has increased to 442 GW from 280 GW in 2009.⁶

44.7 GW of Tier 1 gas-fired capacity additions are planned during the next decade.

Natural-gas-fired capacity is the primary on-peak fuel type in 10 assessment areas.

More than 14.8 GW (nameplate) of Tier 1 wind additions are planned by 2027.

Some assessment areas note rapid wind additions and potential reliability risks.

Conventional generation retirements, primarily coal, oil, and steam gas, have outpaced conventional additions during the last decade in the U.S.

Low natural gas prices combined with federal, state, and provincial environmental regulations have led to 46.5 GW of coal-fired generation retirements since 2011 with 19 GW of confirmed retirements planned between 2017–2027.

6 nuclear units have retired since 2012 while 14 have announced plans to retire by 2025.

Solar resources are expected to increase by 17 GW (utility scale) and 20 GW (rooftop) during the next decade.

Significant amounts of DERs (primarily rooftop PV) are being integrated without the visibility of BPS planners and operators.

Potential Reliability Issues

Declining demand growth rates could quickly be reversed with the potential rapid electrification needs of new technologies (e.g., transportation).

A growing reliance on natural gas in several areas requires further assessment of fuel assurance.

Disruptions in natural gas storage and/or delivery infrastructure can impact BPS reliability.

There could be overgeneration during light load periods.

Transmission will be needed to interconnect these resources.

Inverter-based resources do not inherently provide important ERS attributes, although technologies are available for wind resources, if required or elected.

Conventional generation provides important inherent characteristics, including inertia and reactive support for voltage control, with high levels of fuel assurance

Retirements of these inherently larger units have greater impacts on resource adequacy and require advanced planning to identify replacement capacity, operating procedures, or transmission upgrades.

Concentrated, large-scale proliferation of DERs require fast-acting resources to counteract daily ramping characteristics that are introduced.

Aggregate impacts of distributed PV with insufficient visibility can impact BPS operations.

Inverter-based resources do not inherently provide important ERS attributes, but technologies are available for solar resources if required or elected.

Impacted Assessment Areas

All Areas

WECC-CAMX, Texas RE-ERCOT, FRCC, NPCC-New England

SPP, Texas RE-ERCOT, MISO

SERC-E, PJM, NPCC-New York, NPCC-New England, WECC, TRE-ERCOT, MISO

WECC-CA/MX, NPCC-New York, NPCC-New England, SERC

⁶ Based on peak season for each assessment area.

Demand Projections

NERC-wide electricity peak demand and energy growth are at the lowest rates on record with declining demand projected in three areas: NPCC-New England, -Ontario, and -Maritimes (see bottom of **Figure 4**). Some of the key drivers and the effects of the drivers are as follows:

- Continued advancements of energy efficiency programs and behind-the-meter resources, combined with a general shift in North America to economic growth that is less energy-intensive, are contributing factors to slower electricity demand growth.
- A total of 30 States have adopted energy efficiency policies that are contributing to reduced peak demand and overall energy use.
- The 10-year compound annual growth rate (CAGR) of peak demand is the lowest on record at 0.61 percent (summer) and 0.59 percent (winter). See **Figure 5**.
- The 10-year energy growth is 0.61 percent per year, compared to more than 1.48 percent just a decade earlier.

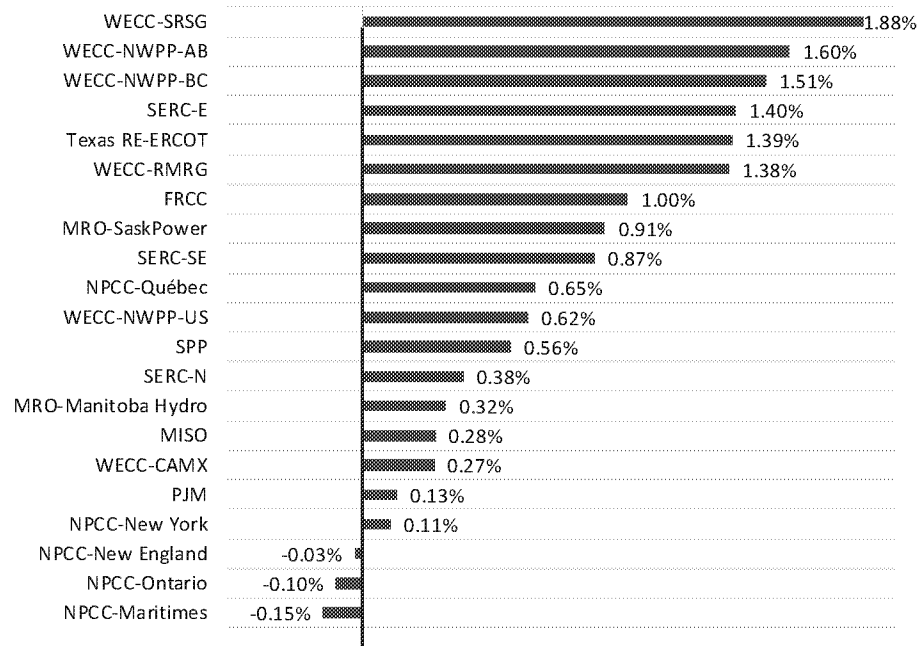


Figure 4: 10-Year Peak Demand Growth by Assessment Area

A rapid onset of emerging technologies, including the rapid penetration of electric vehicles, could create unexpected impacts on load growth that might not be captured in load forecasts (see **Figure 6**). Examples: Automobiles and trucks are now increasingly battery-powered. Plug-in electric vehicles are projected to account for as much as half of all U.S. new car sales by 2030. The electricity required to charge these vehicles will increase demand on the BPS. Electric heating is also driving efficiency increases as heat pumps replace other forms of heating, including natural gas, oil, and direct electric heating on broader scales.

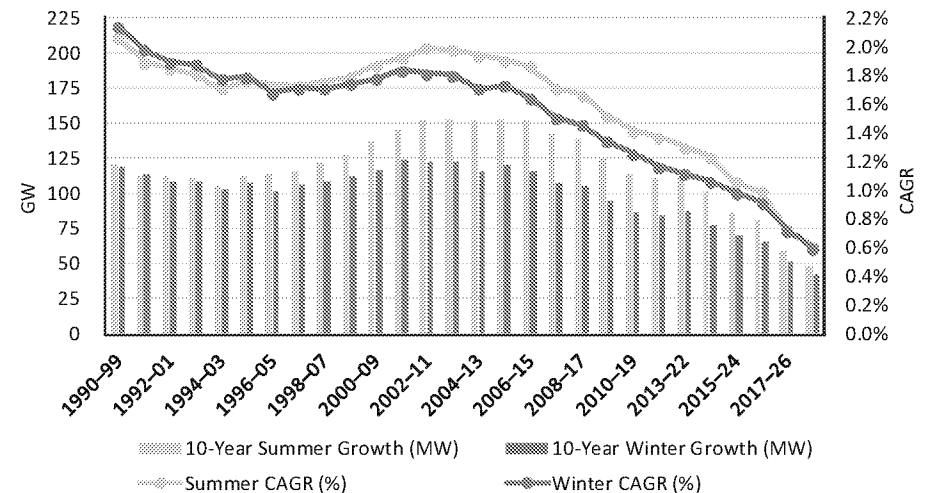


Figure 5: 10-Year Summer and Winter Demand Growth and CAGR by LTRA Year

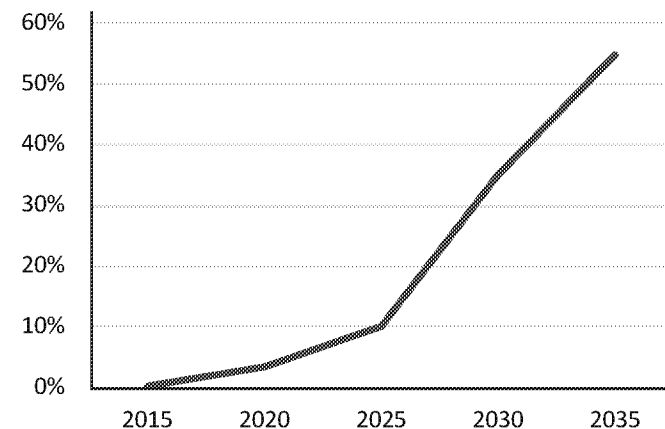


Figure 6: Electric Vehicle Penetration Forecast (Bloomberg)

Changing Resource Mix

Conventional generation retirements have outpaced conventional generation additions. Additionally, large increases in wind and solar have compounded this change in the resource mix. A further explanation of the changing resource mix and some of the implications are as follows:

- Conventional generation from coal, oil, and nuclear units continues to retire as natural gas, wind, and solar lead planned additions. (See Figures 7 and 9).
- Conventional generation, including coal and nuclear, have unique attributes of low outage rates, high availability rates, and on-site fuel storage that provides secure and stable capacity to the grid.
- Retirements of primarily coal (46.5 GW) and natural gas steam-driven generation (20 GW)⁷ with an additional 19 GW of coal retirements are projected by 2027.
- In the United States, the average size of retiring coal plants (less than 50 MW in 2000) has tripled to more than 150 MW in 2015 while the average size of retiring gas steam-driven plants has doubled.⁸
- The 59 GW of conventional generation additions in the U.S. since 2011 have been primarily combined-cycle natural gas units and steam-driven coal units.⁹
- Natural gas, wind, and solar continue to experience the largest growth in terms of fuel source with natural gas expected to add 44.6 GW of new generation, solar to add 17.0 GW, and wind to add 14.8 GW. (Figure 8)

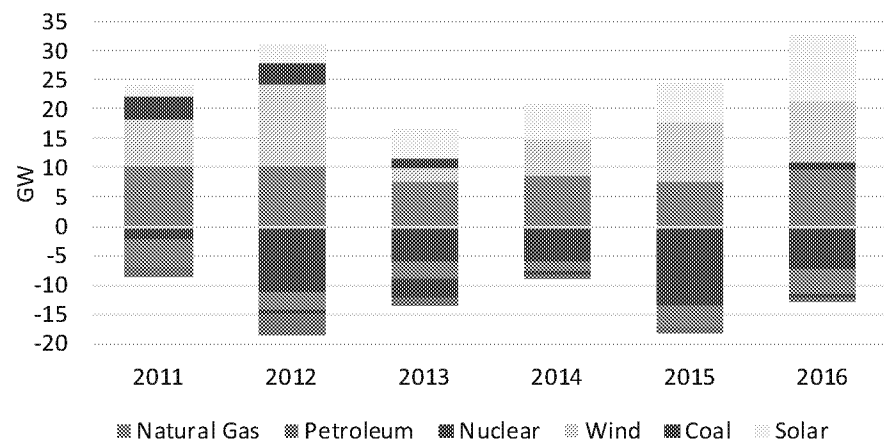


Figure 7: Retirement Projections from 2011–2016⁹

⁷ Source: EIA; ABB Velocity Suite; NERC analysis

⁸ Source: ScottMadden Energy Industry Update

⁹ Includes U.S. and Canada. Source: EIA; ABB Velocity Suite; NERC analysis

- The changing resource mix, combined with the onset of new technologies (e.g., inverter-based resources), are altering the operational characteristics of the grid and require changes to planning and operating approaches.
- Replacing coal and nuclear retirements with nonsynchronous and natural-gas-fired generation is introducing new considerations for reliability and resilience planning, such as ensuring there is adequate inertia, ramping capability, frequency response, and fuel assurance on the system.

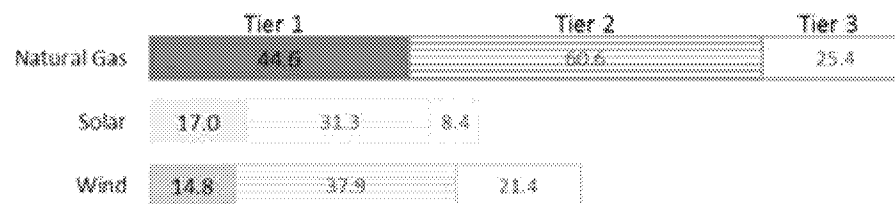


Figure 8: Natural Gas, Solar, and Wind Tier 1, Tier 2, and Tier 3 Additions (Nameplate GW)

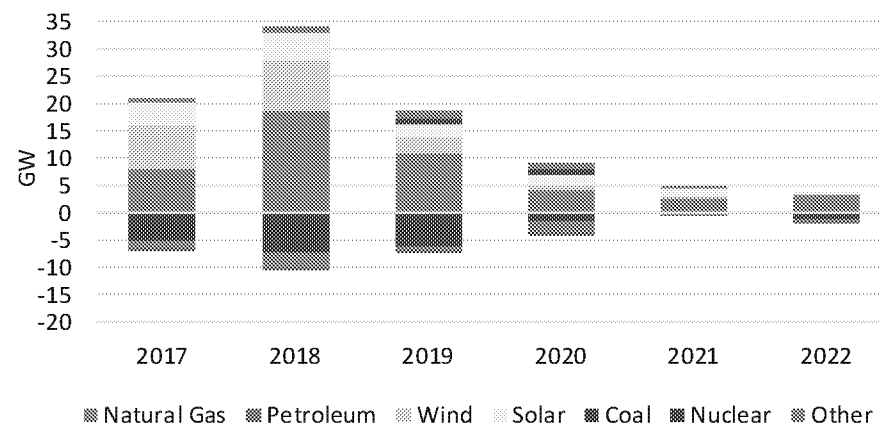



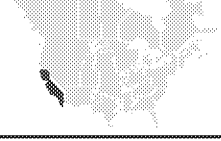
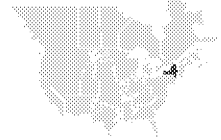

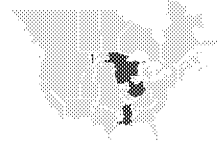

Figure 9: LTRA Reference Case Projections¹¹

¹¹ Projections are based on 2017 LTRA Reference Case data, including Tier 1 additions

Nuclear Retirements

Table 2 on the right shows that retirement plans have been announced for 14 nuclear units, totaling 10.5 GW. The details are as follows:

- The fleet of 67 nuclear plants (118 units) in the U.S. and Canada meet over 20 percent and 16 percent of total electricity demand, respectively.
- Low natural gas prices continue to affect the competitiveness of nuclear generation and are a key contributing factor to nuclear generation's difficulty in remaining economic.
- While replacement capacity may be identified to mitigate resource adequacy concerns, nuclear retirements require additional attention from system planners and policy makers related to local transmission adequacy and the potential for reduced resilience. This is because of the unique ability of nuclear resources to operate despite a variety of potential fuel supply disruptions.
- A total of six plants have closed since 2012, including Gentilly (Québec), Crystal River (Florida), Kewaunee (Wisconsin), San Onofre (California), Vermont Yankee (Vermont), and Fort Calhoun (Nebraska).
- As presented in the **Table 2**, owners of seven plants (14 units) have announced plans to retire within the next decade, including facilities in Ontario, California, New York, New Jersey, Pennsylvania, Michigan, and Massachusetts.
- Legislation passed in Illinois created financial incentives through 2026 to support the continued operation of the Quad Cities and Clinton nuclear generation stations.
- The state of New York also established legislation to enact a zero-emission credit requirement for some upstate nuclear generating facilities.

Assessment Area	Total Capacity	State/Province	Unit Name	Retirement Year	Capacity (MW)
NPCC-Ontario 	3,094	Ontario	Pickering #1	2022	515
			Pickering #4	2022	515
			Pickering #5	2024	516
			Pickering #6	2024	516
			Pickering #7	2024	516
			Pickering #8	2024	516
WECC-CA/MX 	2,300	California	Diablo Canyon #1	2024	1,150*
			Diablo Canyon #2	2025	1,150*
NPCC-New York 	2,150	New York	Indian Point #2	2020	1,070
			Indian Point #3	2021	1,080
PJM 	1,477	New Jersey	Oyster Creek	2019	640
		Pennsylvania	Three-Mile Island	2019	837
MISO 	816	Michigan	Palisades	2018	816*
NPCC-New England 	677	Massachusetts	Pilgrim	2019	677

*Not submitted as a confirmed retirement in 2017 LTRA Reference Case

Natural Gas Generation Additions

NERC-wide natural-gas-fired on-peak generation has increased from 360 GW in 2009 to 432 GW today with 44.7 GW Tier 1 additions planned during the next decade. This is described further below:

- Natural-gas-fired generation data has been growing beyond projections as **Table 3** indicates. From the *2009 LTRA* through the *2017 LTRA* reference cases, actual natural gas additions have continued to outpace projections (See **Figure 10**).
- NERC has identified that reliance on a single fuel increases vulnerabilities, particularly during extreme weather conditions.
- During the past decade, several assessment areas have significantly increased dependence on natural gas, a trend that results from lower natural gas prices and construction costs (compared to nuclear and coal with carbon capture and sequestration).
- Natural gas provides “just-in-time” fuel and is not stored on site at generators. Maintaining firm transportation and dual fuel capability can significantly reduce the risk of interruption, common-mode failure, and widespread fuel delivery impacts.
- As natural-gas-fired generation continues to increase, the electric industry needs to continue to evaluate and report on the potential effects of an increased reliance on natural gas needed to assure BPS reliability and resilience.
- By 2022, FRCC, Texas RE-ERCOT, NPCC-New England, and most of WECC are expected to have at least 50 percent of their resources composed of natural-gas-fired generation with FRCC expected to be near 80 percent.
- During extreme events and most notably during the recent 2014 Polar Vortex, extended periods of cold temperatures caused direct impacts on fuel availability, especially for natural-gas-fired generation. Higher-than-expected forced outages and common-mode failures were observed during the polar vortex due to the following:
 - Natural gas interruptions (including supply injection), compressor outages, and one pipeline explosion
 - Oil delivery problems
 - Frozen well heads
 - Inability to procure natural gas
 - Fuel oil gelling

Assessment Area	2018 (MW)	2022 (MW)	2018 (%)	2022 (%)
FRCC	39,976	42,003	75.0%	78.1%
WECC-CAMX	40,299	42,536	65.6%	68.2%
Texas RE-ERCOT	45,842	51,867	61.8%	63.3%
NPCC-New England	14,331	16,308	47.1%	52.3%
WECC-SRSG	16,530	16,774	51.4%	51.8%
WECC-AB	8,514	8,514	49.5%	51.8%
SERC-SE	30,256	30,262	49.1%	46.9%
MRO-SaskPower	1,835	2,087	43.9%	44.0%
SPP	30,413	29,446	48.6%	45.2%
SERC-N	19,250	21,160	37.5%	40.7%
MISO	59,566	60,026	43.3%	42.3%
NPCC-New York	16,030	16,708	44.0%	42.0%

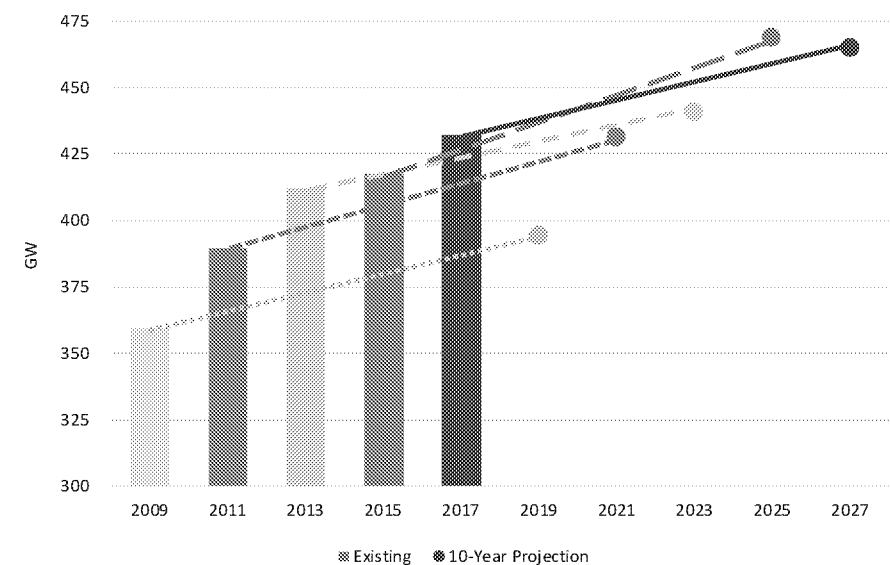


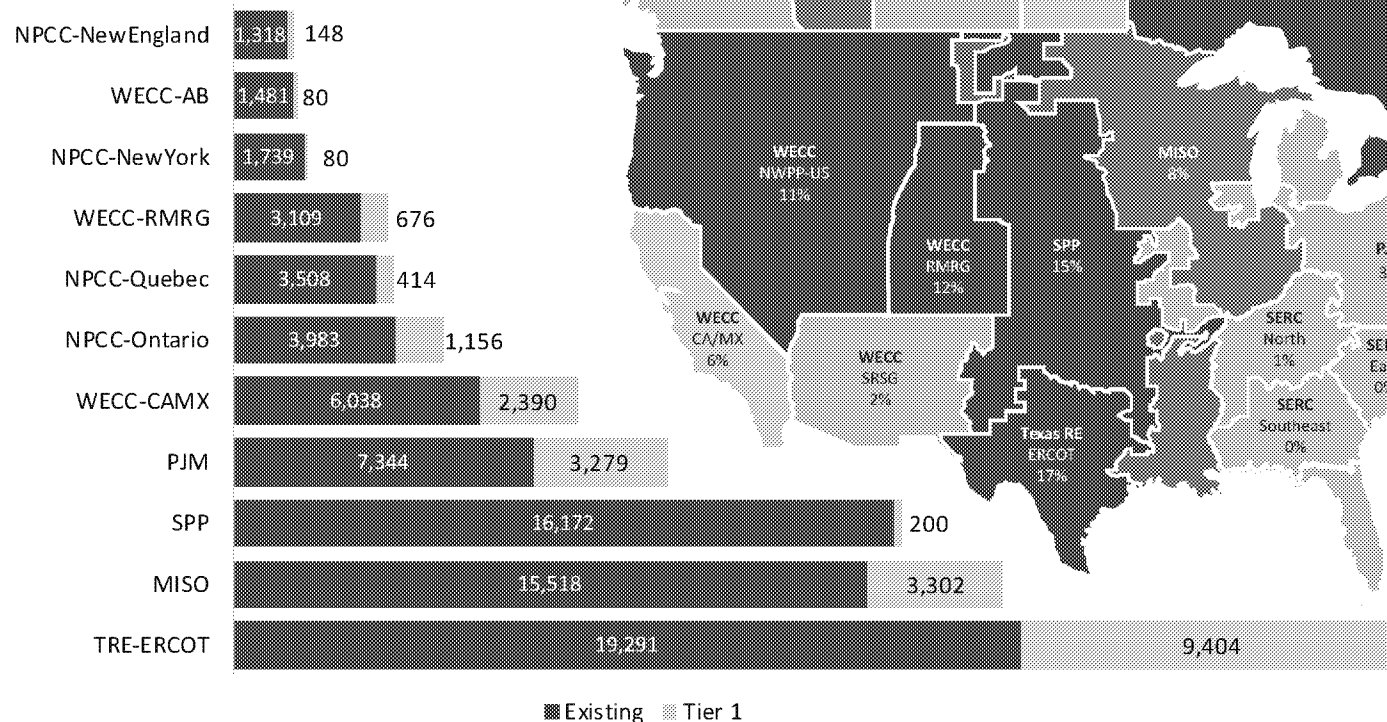
Figure 10: Existing On-Peak Natural Gas and 10-Year Projections by LTRA Reporting Year

Wind Generation Additions

Wind generation currently accounts for more than 10 percent of total installed capacity in six areas with 14.8 GW (nameplate) of NERC-wide additions projected during the next decade. See map in **Figure 11** below. The following is additional information:

- State and provincial renewable portfolio standards (RPS) contribute to projected increases of wind generation in the U.S. and Canada.
- Texas RE-ERCOT is addressing challenges with respect to increasing amounts of wind through improved accuracy of wind forecasting and dynamic consideration of the associated reliability risks.
- In SPP, installed wind-generation capacity grew from 12 GW to more than 16 GW in 2016.
- **Figure 12** shows nameplate wind and 10-year Tier 1 additions by assessment areas that are experiencing the largest growth in wind.

Figure 12: Nameplate Wind and 10-Year Tier 1 Additions by Assessment Area (Includes 2017 Additions)



■ Existing ■ Tier 1

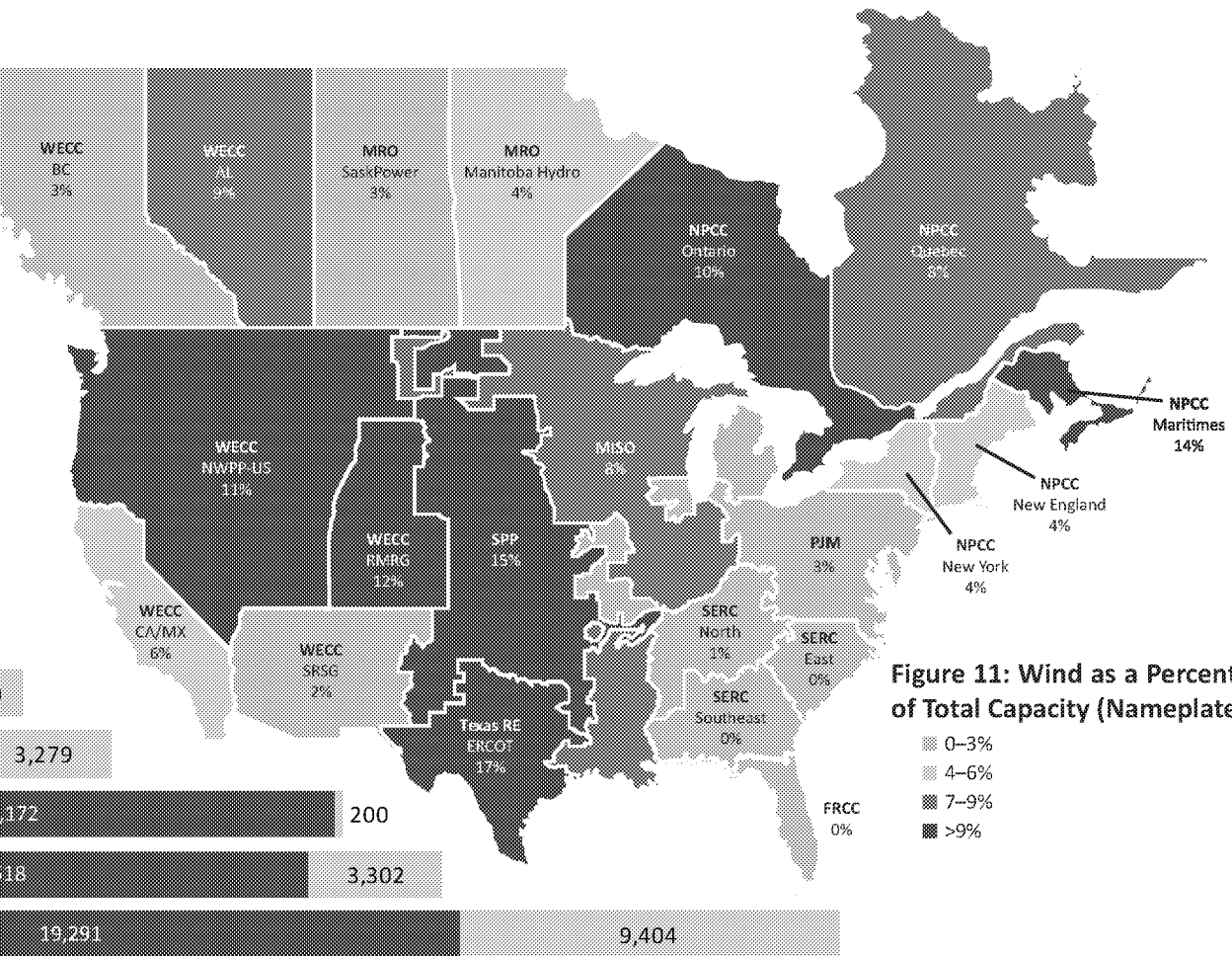


Figure 11: Wind as a Percentage of Total Capacity (Nameplate)

■ 0–3%
 ■ 4–6%
 ■ 7–9%
 ■ >9%

Solar Additions

A total of 37 GW (nameplate) of solar additions are projected by 2022 with 20 GW (nameplate) of those being distributed generation that raise visibility concerns for system planners. Some of the present trends and effects of increased solar generation at both the utility scale as well as at the distribution level are highlighted below:

- Entities in several areas do not explicitly track the installation of non-utility photovoltaic (PV). **Table 4** provides an overview of several assessment areas and how they present non-utility PV.
- Lacking visibility or mechanisms to track DERs can lead to unexpected impacts on areas of the BPS with higher levels of DER penetration when the aggregated impacts begin to affect BPS operations.
- While this exact point is unique to each area, it is important that state and provincial policies are in place to track PV growth before high levels are reached.
- System reliability benefits from advanced forecasting and modeling tools that provide system planners and operators with visibility and control of DERs in some cases.
- California (California Solar Initiative) and New York (NY Sun Program) are examples of two states with programs aimed at maintaining visibility of DERs with the rapid addition of non-utility PV.
- North Carolina (SERC-E) has installed over 2 GW of PV since 2015; however, SERC is still developing and implementing approaches to accurately report installations of DERs by addressing reporting gaps stemming from NERC's 80 MW threshold registration requirements for Generator Owners.
- By 2027, the addition of more than 26 GW of non-utility PV will be added NERC-wide. A representation of this growth is depicted in **Figure 13**.
- California, Texas, and North Carolina are projected to lead solar PV installation through 2021 as shown in **Figure 14**.

¹¹ GTM U.S. Solar Market Insight – Executive Summary-Q3 2017

¹² California Distributed Generation Statistics is the [official public reporting site](#) of the California Solar Initiative (CSI), presented jointly by the CSI Program Administrators, GRID Alternatives, the California Investor Owned Utilities, and the California Public Utilities Commission.

Assessment Area	Visibility
NPCC-New England	Tracked by ISO surveys of Distribution Owners
NPCC-New York	NYSEERDA collects/projects PV installations
NPCC-Ontario	In load forecast projections based on IESO signed or expected contracts
PJM	In load forecast tracked with Generation Attribute Tracking System (GATS)
Texas RE-ERCOT	Currently estimated with plans to track registered PV (>1 MW) within CIM
WECC-CAMX	Tracked by the CSI rebate program for investor-owned utility customers ¹¹

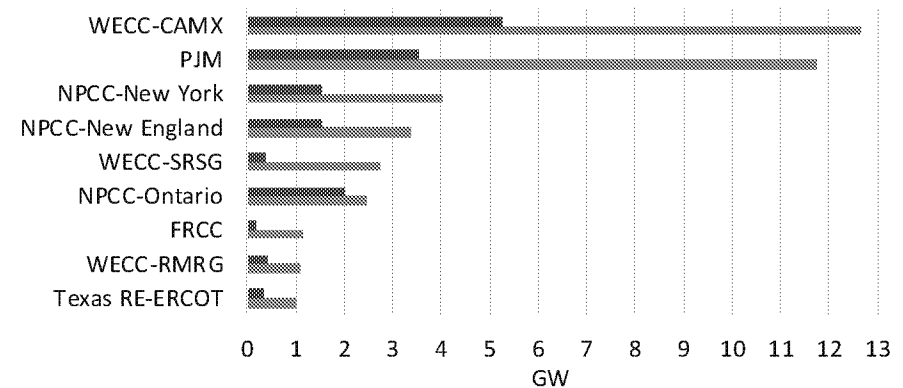


Figure 13: Assessment Areas with High Growth of Non-Utility PV

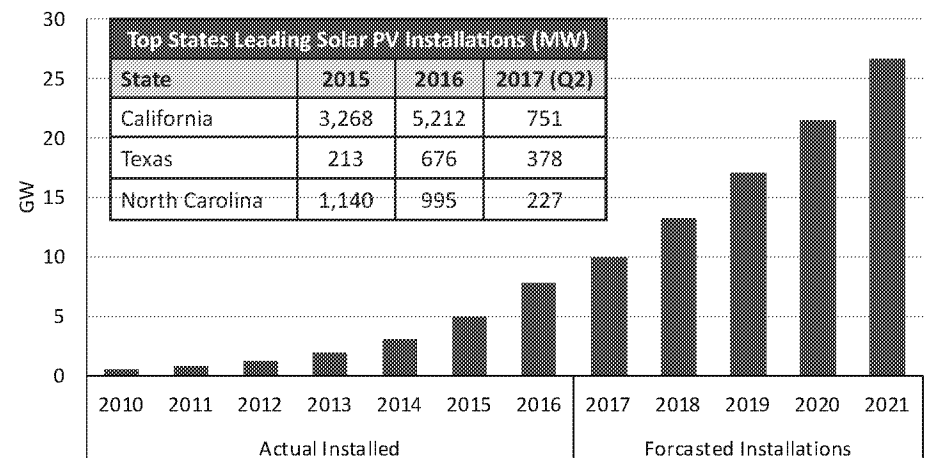


Figure 14: U.S. Non-Utility PV Cumulative Additions

Essential Reliability Services

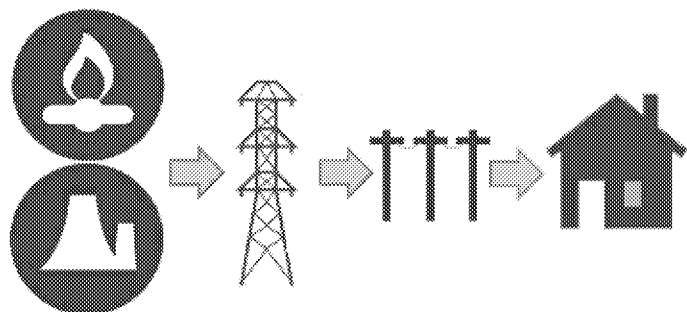
The changing composition of the North American resource mix calls for more robust planning approaches to ensure adequate essential reliability services and fuel assurance. Retiring conventional generation is being replaced with large amounts of wind, solar, and natural gas; planning considerations must adapt with more attention to essential reliability services and mechanisms to promote fuel assurance to maintain the reliable operation of the North American BPS.

System Generation and Delivery

Reliability Implications

Planning Considerations

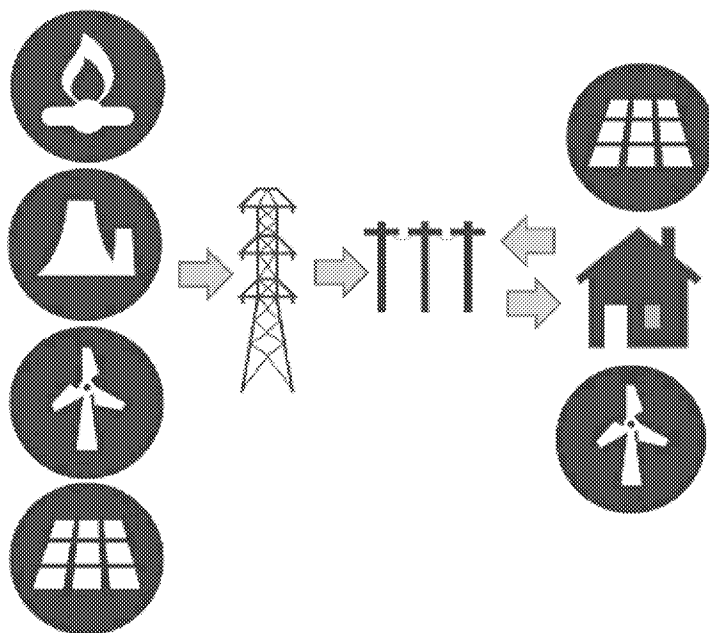
Historic Model



- Large units with relatively consistent output, fuel assurance, and low variability
- A fuel diverse generation
- portfolio created redundancies in available resources
- Clear redundancy and resilience
- "Source-to-sink" transmission
- Fewer variables in resource planning
- Inputs to planning reserve margins were less complex
- System was designed to meet peak demand

- A system consisting of higher levels of conventional generation provide substantial essential reliability services as a function of large spinning generators and governor control settings, along with reactive support for voltage control
- High levels of coal and nuclear generation with on-site fuel provided fuel assurance.
- Traditional transmission planning has historically focused on building a system to address peak demand

Evolving Resource Mix Composition



- Greater reliance on natural gas generation, which may be vulnerable to supply and transportation disruptions
- Wind and solar have higher levels of variability, leading to over-generation and "duck curve" concerns
- Increased DERs leads to a higher potential for a bidirectional flow of energy, blending distribution and transmission
- Additional consideration needed for system inertia, voltage control, frequency response, and ramping abilities
- Planning for off-peak periods (shoulder months) when renewables output can be equal to or higher than demand, which can create reliability concerns.

- Essential reliability services are vital to reliable operation of the BPS as system operators use frequency response, voltage control, and ramping, to plan and operate reliably under a variety of system conditions
- Inverter-based variable energy resources can provide essential reliability services, although interconnection processes and market rules may not fully recognize such capabilities
- Areas with higher levels of wind penetration have a longer history of performance, allowing for more accurate projections for on-peak availability of these resources
- Fuel assurance is particularly important and must be reflected in planning reserve margins – especially for areas with high levels of VER

Interconnection Inertia

Operating procedures that recognize potential inertia constraints were recently established in ERCOT and Québec. Due to their smaller size, the ERCOT and Québec Interconnections experience lower system inertia compared to the Eastern and Western Interconnections.

Currently, wind amounts to more than 17 percent of installed generation capacity in ERCOT and has served as much as 50 percent of system load during certain periods. In Québec, hydro accounts for over 95 percent of the generation, which generally has lower inertia compared to synchronous generation of the same size (e.g. coal and combined-cycle units). As a result, ERCOT and Québec have both established unique methods to ensure sufficient frequency response performance.

Identifying Synchronous Inertia Response (SIR) in the ERCOT Interconnection:

- ERCOT has defined critical inertia levels that must be maintained for the system to operate reliably¹³ with current frequency control practices. See Figure 15.
- ERCOT has experienced a general increase in nonsynchronous generation as a percent of system load during minimum inertia conditions as shown in Figure 16.
- A series of dynamic simulations were conducted based on cases from ERCOT's [Real-Time Transient Security Assessment Tool](#) with inertia conditions ranging from 98 GW to 202 GW to assess how long it takes for frequency to fall from 59.7 Hz to 59.3 Hz after two of the largest units trip.
- Higher amounts of responsive reserve service (RRS)¹⁴ are needed for low-inertia situations to maintain the security and reliability of the grid.

Based on the 2015 dynamic study results that examined minimum primary frequency response,¹⁵ ERCOT procures RRS amounts based on the expected system inertia to ensure sufficient frequency response after a 2,750 MW loss.¹⁶

¹³ Here "operate reliably" refers to avoiding under-frequency load shedding (UFLS) for the loss of two largest generation units.

¹⁴ Responsive Reserve Service is used for frequency containment after generation trip events.

¹⁵ The results of the studies have been communicated at ERCOT stakeholder meetings.

¹⁶ In 2015, ERCOT revised its ancillary service methodology and now determines the minimum RRS requirements based on anticipated system inertia conditions.

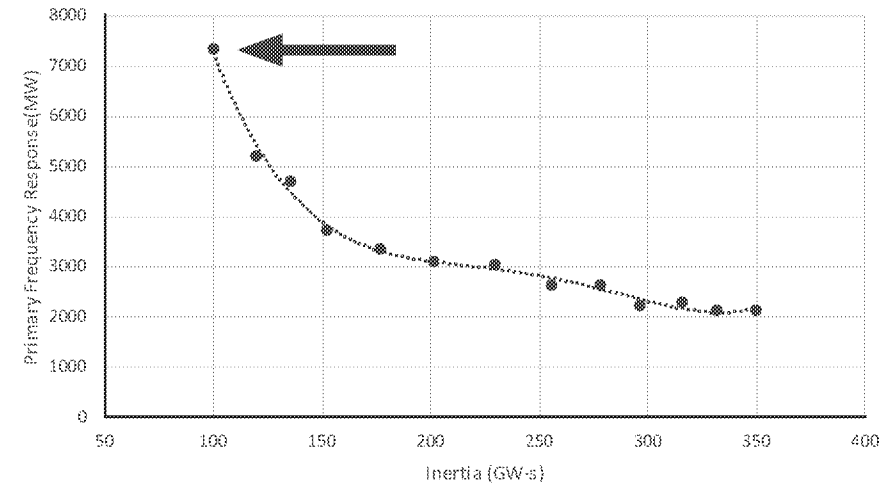


Figure 15: ERCOT has Identified ~100GW/seconds as a Critical Inertia Level

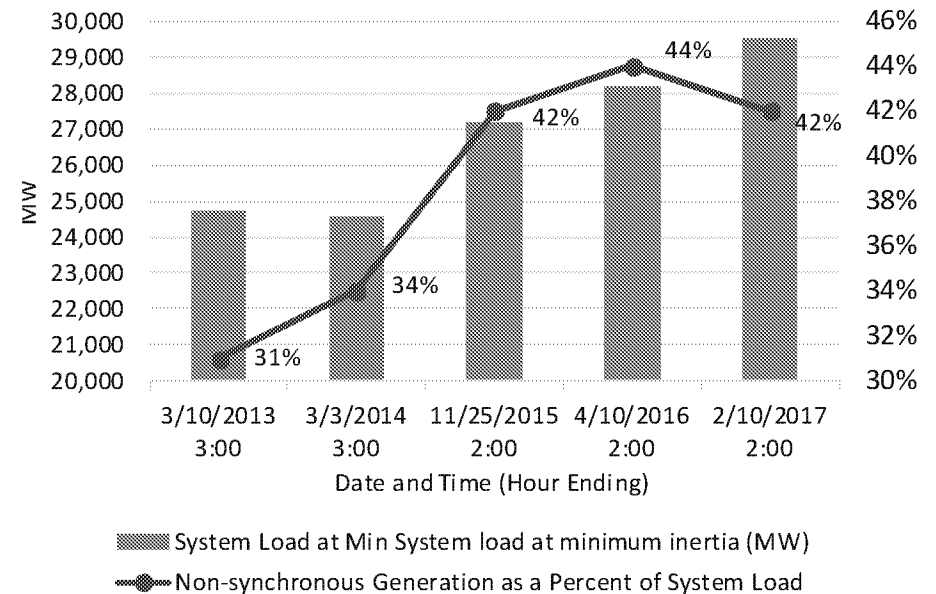


Figure 16: ERCOT's Nonsynchronous Generation as a Percent of System Load

Trends of Minimum SIR in ERCOT:

- Based on historic data from 2013 to 2017, minimum SIR conditions have occurred during shoulder seasons except for 2017, which occurred during the month of February. The minimum SIR in the ERCOT system has occurred during the early-morning during off-peak hours, when the system is at a low load level. See **Table 5** below.
- Nonsynchronous generation and low load are primary contributors to minimum synchronous inertia conditions with the percentage of nonsynchronous generation varying from 31–41 percent.
- Real-time tools were implemented in the ERCOT control room to forecast system inertia in the day-ahead operations and into real-time to evaluate sufficiency of the procured RRS reserves based on forecasted inertia conditions.¹⁷
 - These tools determine the required amount of RRS based on forecasted inertia conditions and then compare this forecasted value with the procured RRS amounts. If the procured amount of RRS is not sufficient for the forecasted inertia conditions, a supplemental ancillary services market is established to procure additional RRS.

Table 5: ERCOT Minimum SIR (GVA*s) by Year¹⁹					
Date and Time (Hour-Ending)	2013 10-Mar-13 3:00 a.m.	2014 3-Mar-14 3:00 a.m.	2015 25-Nov-15 2:00 a.m.	2016²⁰ 10-Apr-16 2:00 a.m.	2017²¹ 10-Feb-17 2:00 a.m.
Min Synchronous Inertia H (GVA*s)	132	135	152	143	134
System Load at Min System load at minimum inertia (MW)	24,726	24,540	27,190	28,191	29,515
Nonsynchronous Generation as a Percent of System Load	31	34	42	44	42

¹⁷ If the procured amount of RRS is not sufficient for the forecasted inertia conditions, a supplemental ancillary services market can be opened and additional RRS procured.

¹⁸ GVA*s = giga volt amperes multiplied by seconds.

¹⁹ Inertia data collection began in June 2016.

²⁰ 2017 lowest inertia is only based on data collected up to June.

Identifying SIR in Québec:

- Since 2006, Québec has applied a control criteria called the PPPC limit,²¹ which is a function of the real-time operating conditions.
- The PPPC limit (MW) actively restricts the maximum MW loss of generation following a single contingency event.
- System operators perform generation redispatch in real-time or increase the level of synchronous generation on-line to ensure the PPPC limit is not exceeded and adequate frequency performance is maintained. Wind generating stations with aggregated rated power greater than 10 MW must be equipped with a frequency control system.²²
 - Such a system enables wind generating stations to help restore system frequency in the advent of disturbances and thus maintain the current level of performance with regards to frequency control on the transmission system.

Minimum SIR and Minimum PPPC Trends in the Québec Interconnection:

- In Québec, the PPPC limit data shows that the minimum can occur in both shoulder and peak seasons.
- The minimum PPPC limit and minimum SIR both have occurred early in the morning (2:00 a.m. to 4:00 a.m.).
- The data in **Figure 17** indicates that nonsynchronous generation is not the driver for minimum interconnection inertia conditions in Québec.
- Québec has not observed significant changes in the minimum synchronous inertia level in recent years and does not anticipate frequency issues regarding the inertia level in the future since no major changes in the resource mix are foreseen.
- Québec has begun to track its minimum synchronous inertia levels with the percent of nonsynchronous generation on-line at that time. This is shown in **Table 6**. Québec will continue to monitor these conditions going forward.

²¹ The term PPPC is an acronym in French: P = Perte = Loss, P = Production = (of) Generation, P = en Première = First (meaning "following a Single"), C = Contingence = Contingency. The PPPC limit is an equation derived from a comprehensive dynamic study of the historic system considering different load and generation dispatch patterns, contingency size and location, effect of synchronous reserve, load behavior, strategic power system stabilizers, etc. In each study scenario, the maximum limits of generation that can trip is determined by simulation so that the frequency does not drop below 58.5 Hz. This study is revised and updated periodically to confirm the accuracy of the equations.

²² Wind requirements have been presented to the Québec Energy Board (Régie de l'Énergie) and are pending approval.

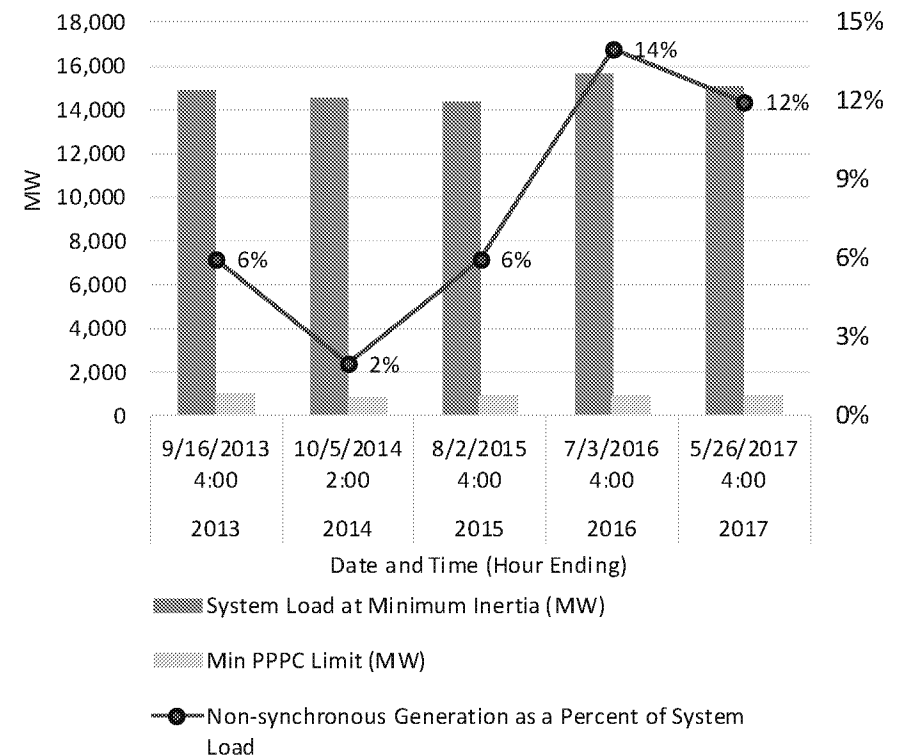


Figure 17: Québec Minimum PPPC Limit (MW)

Table 6: Québec Minimum SIR (GVA*s) by Year		
Date and Time	2016 ²⁴ 08-Oct-16 3:30 a.m.	2017 26-May-17 4:30 a.m.
Min Synchronous Inertia H (GVA*s)	59.09	63.46
System Load at Min H (MW)	13,550	14,710
Percent of Nonsynchronous Generation	13	12

²³ Inertia data collection began in June 2016. 2017 lowest inertia is only based on data collected up to June.

SIR Eastern and Western Interconnections

In comparison to the Québec and ERCOT Interconnections, the Eastern and Western Interconnections are much larger systems with less nonsynchronous generation in comparison to their system's load. Therefore, NERC's Resource Subcommittee is collecting the historically reported minimum SIR conditions for trending.

Minimum SIR Trends in the Eastern and Western Interconnections:

- For both interconnections, the minimum SIR conditions have occurred in shoulder months.
- Neither interconnection has a specific time of day when the minimum SIR conditions may occur.
- Only the Western Interconnection is capturing nonsynchronous generation percentages at this time. The percent of nonsynchronous generation on-line during min SIR condition is negligible.
- Neither interconnection has experienced frequency issues due to minimum SIR, and both interconnections are collaborating with the ERS working group to investigate approaches to forecast future minimum SIR conditions in the Eastern and Western Interconnections. See **Table 7**.

Considerations for forward looking planning cases to perform minimum SIR calculations:

- Planning models that are currently developed annually and are reflective of light spring loads will be used for forward looking studies.
- Through a collaborative effort between NERC and the industry, the light spring load cases will be modified to develop forward looking low inertia cases.
- Modifications to unit commitment and dispatch with the intent of reflecting real-time dispatch scenarios, along with improvements to governor and dead band modeling, will be made to light spring load cases.
- The Eastern Interconnection Planning Collaborative is leading the effort for the Eastern Interconnection, and WECC is leading the effort for the Western Interconnection.

For both interconnections, case development and analysis of forward-looking frequency response performance will be completed in 2018 with the results available for the *2018 LTRA*. These efforts will lead to future-looking studies for ERS frequency response measures, which could be repeated every 2–3 years, with 5 year projections (constantly updated with historic data). Both interconnections will provide study reports to NERC with respective study cases. Eastern and Western Interconnections may also develop a procedure manual for this work to be updated in the future on a periodic basis.

Table 7: Eastern and Western Interconnection's Minimum SIR (GVA*s) by Year

	Eastern Interconnection		Western Interconnection	
Date and time	2016 22-Oct-16 9:11 p.m.	2017 24-Apr-17 1:58 a.m.	2016 16-Oct-16 11:45 a.m.	2017 09-Apr-17 7:19 p.m.
Min Synchronous Inertia H (GVA*s)	1,279	1,281	498	472
System Load at Min H (MW)	236,513	218,787	76,821	86,183
Percent of Nonsynchronous Generation	N/A	N/A	10	12

Ramping: A CAISO Perspective

With continued rapid growth of distributed solar, CAISO's three-hour ramping needs have reached 13 GW, exceeding earlier projections and reinforcing the need to access more flexible resources.

Ramping is related to frequency through balancing during system operations. Changes in the amount of nondispatchable resources, system constraints, load behaviors, and the generation mix can impact the ramp rates needed to keep the system in balance. For areas with an increasing penetration of nondispatchable resources,²⁴ the consideration of system ramping capability is an important component of planning and operations.²⁵ Therefore, a measure to track and project the maximum one-hour and three-hour ramps for each balancing area was established by the Essential Reliability Services Working Group (ERSWG).

Changes in an area's load patterns due to increased integration of photovoltaic (PV) generation in the distribution system and changes to the utility-scale generation mix has changed the ramping needs in California. Ramping needs are difficult to predict dependent on weather, the geographic uniformity of behind-the-meter PV resources, end-use electric consumer behavior, and generation dispatch availability. Moreover, behind-the-meter PV generation will have a smaller impact on ramping as the geographic diversity of rooftop solar increases, reducing local simultaneous weather impacts experienced by close proximity solar resources. These factors contribute to the nature of ramping variability in California.

Ramping (Load-Following) Case Study:²⁶

- Currently, there are more than 10 GW of utility-scale and 5 GW of behind-the-meter PV resources in the CAISO footprint, which has the most concentrated area of PV in North America.
- CAISO's actual maximum three-hour upward ramping needs were 7,600 MW in 2013, when growth was projected to reach 13 GW by 2020.
- In 2016, actual hour ramps reached 12.9 GW, which is four years ahead of projections.
- Ramping needs have increased rapidly because roof-top PV has grown

faster than projected. Accordingly, CAISO has revised its estimated three-hour upward ramp to exceed 16,800 MW in 2020.²⁷

- These developments in California highlight the importance for industry to focus on evaluating the ability of the resource mix to adequately meet net-load ramping needs as more DERs are added.
- Behind-the-meter PV in CAISO is projected to grow to 12 GW by 2020.
- Ramping should be monitored in any area that projects significant growth in the amount of nondispatchable resources.
 - Monitoring ramp rates will support system planning with the use of tools that can enable system operators to balance load and generation in real-time.
- The following planning activities should also be considered to support future ramp studies:
 - Ramping issues are most prevalent during the off-peak (shoulder) months of the year, typically during low-load conditions in the spring and fall.
 - Visibility of behind-the-meter rooftop PV generation can present challenges for operators, but these challenges can be managed with net metering or aggregated metering at sub-transmission substations.
 - Operating rules in some areas should be considered to determine if alterations are needed to schedule distributed PV resources using net metering.
 - As an alternative to operating changes, strategic installation of batteries and storage and scheduling of these resources will assist with reducing ramps.

²⁷ [Draft Flexible Capacity Needs Assessment for 2018.](#)

²⁴ Nondispatchable resource is defined to be any system resources that do not have active power management capability or do not respond to dispatch signals

²⁵ [2016 ERSWG Sufficiency Guideline Report Final Version](#)

²⁶ Ibid.

- **Figure 18** shows that the three-hour ramps have manifested approximately four years ahead of initial estimate, revised to exceed 16,800 MW by 2020.
- The increase in three-hour upward ramps in CAISO highlights the importance for the industry to focus on evaluating ramping adequacy.
- As a result of the projected increase, CAISO is at the forefront of many ERS issues and has been leading the efforts to predict and plan to mitigate future ramps with their annual Flexible Capacity Needs Assessment.

Solar Production Increases in CAISO:

- CAISO has begun to observe that solar production is increasing on some days about 15 times-per-minute faster as the load is increasing.
- As shown in **Table 8**, load decreases as the solar production increases during certain sunrise periods.

Table 8: Solar Production Increases in CAISO			
	Load	Solar	Net Load
Sunrise Ramp Rate (MW/Min) 7:00–10:00	-6	31	-37
MW Change	-1,023	5,529	-6,724
Sunset Ramp Rate (MW/Min) 16:00–19:00	27	-37	61
MW Change	4,801	-6,703	11,049

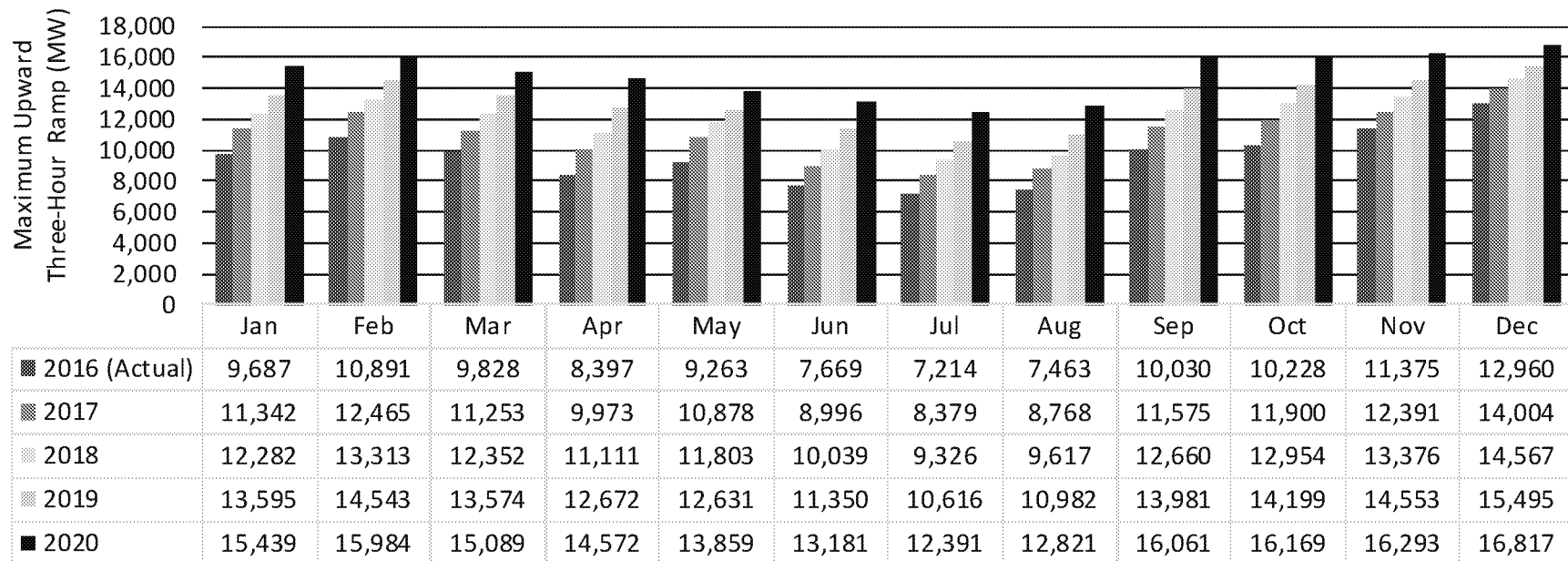


Figure 18: CAISO maximum monthly three-hour upward net-load ramps (2016–2020)

Reference Margin Levels

Based on the projected resource mix, the trend of increasing Reference Margin Levels is expected to continue. Reference Margin Levels are established to allow NERC to assess the level of planning reserves, recognizing factors of uncertainty involved in long-term planning (e.g., forced generator outages, extreme weather impacts on demand, fuel availability, and intermittency of variable generation). NERC does not require a certain level of planning reserves; instead, the development of an assessment area's Reference Margin Level depends on the following factors: Resource adequacy criteria (deterministic and probabilistic metrics (e.g., loss-of-load expectation (LOLE)); expected unserved energy (EUE)); decisions of a state, provincial authority, ISO/RTO, or other regulatory body; and integrated resource plans and market-based resource procurements.

In all approaches, system planners quantify the amount of capacity above peak demand required on the system to ensure that there is sufficient supply to meet peak loads for each season and year. In theory, a higher Reference Margin Level will reduce the number of loss-of-load events; however, other factors are considered when establishing an appropriate Reference Margin Level, including system costs and the risk averseness of regulating bodies and end-use customers.

Given the static measure of generation reliability, Reference Margin Levels are reviewed and, if necessary, modified as significant system changes occur.

As shown in the **Figure 19**, more planning reserves are needed to maintain the same level of reliability as more variable resources are added to a system, resulting in an increase in the Reference Margin Level.²⁸

Figure 20 shows a 10-year comparison and indicates that many assessment areas have increased Reference Margin Levels with a variety of factors, including increasing forced outage rates, growing levels of variable resources, and other factors that result in a need to carry additional planning reserves.

Table 9 on the next page further details important considerations for how Reference Margin Levels are developed in each assessment area.

²⁸ NREL, [Comparing Resource Adequacy Metrics](#)

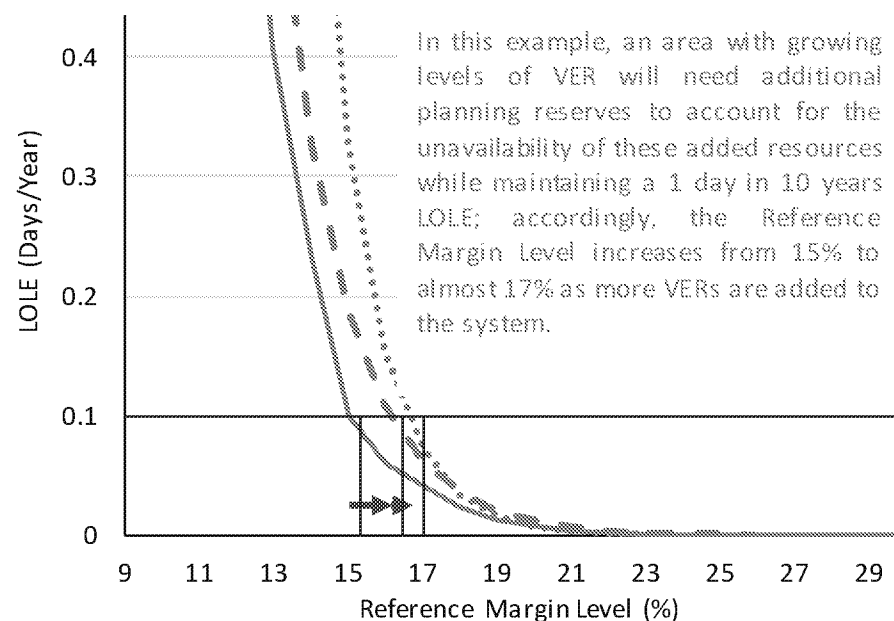


Figure 19: LOLE and Reference Margin Levels with Increasing VERs

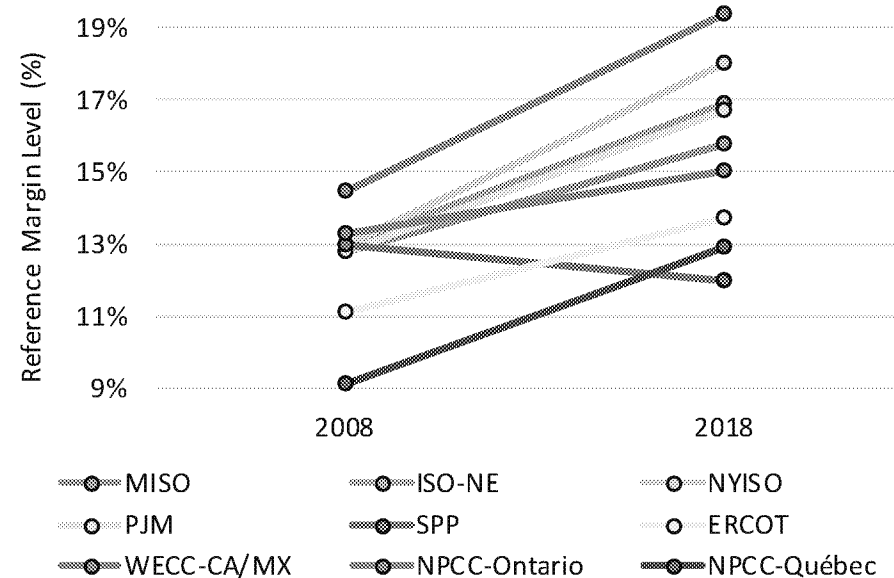


Figure 20: Reference Margin Level Changes (2008 vs. 2018)

Table 9: Reference Margin Levels for Each Assessment Area

Assessment Area	Reference Margin Level	Assessment Area Title	Market or Regulatory Requirement	Methodology	Reviewing or Approving Body
FRCC	15.0% ²⁹	Reliability Criterion	No; Guideline	0.1/Year LOLP	Florida Public Service Commission
MISO	15.8%	Planning Reserve Margin (PRM)	Yes; Established	0.1/Year LOLE	MISO
MRO-Manitoba Hydro	12.0%	Reference Margin Level	Annually	0.1/Year LOLE/LOEE/	Reviewed by the Manitoba Public Utilities Board
MRO-SaskPower	11.0%	Reference Margin Level	No	LOLH/EUE	SaskPower
NPCC-Maritimes	20.0% ³⁰	Reference Margin Level	No	EUE and Deterministic Criteria	Maritimes Subareas; NPCC
NPCC-New England	16.6–16.9%	Installed Capacity Requirement (ICR)	No	0.1/Year LOLE	ISO-NE; NPCC Criteria
NPCC-New York	18.0%	Installed Reserve Margin (IRM)	Yes; 3 year requirement established annually	0.1/Year LOLE	NYSRC; NPCC Criteria
NPCC-Ontario	18.2–23.7%	Ontario Reserve Margin Requirement (ORMR)	Yes; established annually for all years	0.1/Year LOLE	IESO; NPCC Criteria
NPCC-Québec	12.9%	Reference Margin Level	No; Established Annually	0.1/Year LOLE	Hydro Québec; NPCC Criteria
PJM	16.6–16.7%	Installed Reserve Margin (IRM)	Yes; Established Annually for each of 3 future years	0.1/Year LOLE	PJM Board of Managers; ReliabilityFirst BAL-502-RFC-02 Standard
SERC-E	15.0%	Reference Margin Level	No; NERC-Applied 15%	SERC Performs 0.1/Year LOLE	Reviewed by Member Utilities
SERC-N	15.0%	Reference Margin Level	No; NERC-Applied 15%	SERC Performs 0.1/Year LOLE	Reviewed by Member Utilities
SERC-SE	15.0% ³¹	Reference Margin Level	No; NERC-Applied 15%	SERC Performs 0.1/Year LOLE	Reviewed by Member Utilities
SPP	12.0%	Resource Adequacy Requirement	Yes; Studied on Biennial Basis	0.1/Year LOLE	SPP RTO Staff and Stakeholders
Texas RE-ERCOT	13.75%	Target Reserve Margin	No	0.1/Year LOLE	ERCOT Board of Directors
WECC-AESO	11.03–11.22%	Reference Margin Level	No; Guideline	Building Block Methodology	WECC
WECC-BC	10.60–12.10%	Reference Margin Level	No; Guideline	Building Block Methodology	WECC
WECC-CAMX ³²	14.76–16.14%	Reference Margin Level	No; Guideline	Building Block Methodology	WECC
WECC-NWPP-US	16.38–17.46%	Reference Margin Level	No; Guideline	Building Block Methodology	WECC
WECC-RMRG	11.65–14.17%	Reference Margin Level	No; Guideline	Building Block Methodology	WECC
WECC-SRSG	12.02–15.83%	Reference Margin Level	No; Guideline	Building Block Methodology	WECC

²⁹ The FRCC uses a 15 percent Reference Reserve Margin. The FRCC criteria, as approved by the Florida Public Service Commission, is set at 15 percent for non-IOUs and recognized as a voluntary 20 percent Reserve Margin criteria for IOUs and recognized as 20 percent Reserve Margin criteria for IOUs; individual utilities may also use additional reliability criteria.

³⁰ The 20% reference margin is used by the individual jurisdictions in the Maritimes Area with the exception of Prince Edward Island (PEI), which uses a margin of 15%. Accordingly, 20% is applied for the entire area.

³¹ SERC does not provide Reference Margin Levels or resource requirements for its subregions. However, SERC members perform individual assessments to comply with any state requirements.

³² California is the only state in the Western Interconnection that has a wide area Planning Reserve Margin requirement, currently 15%.

Variable Energy Resources

On-peak availability of wind and solar is increasing with greater operational experience. For a reserve margin analysis, most assessment areas have developed approaches for modeling and projecting the availability of wind and utility-scale solar during the forecasted peak load hour. However, some assessment areas have developed approaches to model wind and solar hourly over the entire 8,760 annual hours. Output from variable resources (wind and solar) must be reduced when examining the peak hour because their output is contingent on uncontrollable factors, such as cloud cover or wind conditions. **Tables 10** and **11** present different considerations for capturing capacity contributions for variable and conventional resources:

Variable Resources Planning Considerations:

- Higher penetration of VERs results in a larger portion of an area's resource portfolio containing energy-limited resources.
- Many areas are counting a higher percentage of variable resources as available during the peak hour with growing amounts of operational performance data. See **Figures 21, 22, and 23**.
- Current planning approaches for variable resources fall into four categories:
 - LOLE/LOLP-based calculations of the effective load-carrying capability of variable generation relative to a benchmark conventional unit
 - Calculation of the capacity factor of the variable generation during specified time periods that represent high-risk reliability periods (typically peak hours)
 - A tailored approach for applying a historical performance rolling average (typically 2–3 year)
 - Applications based on policies established through a nontechnical analysis
- Once derates are applied, wind and solar can be incorporated into the Reserve Margin analysis like any other generation type.
- See **Tables 10** and **11** for an overview of assessment areas and their calculations of wind (**page 28**) and solar (**page 29**) contributions

Variability and Uncertainty

There are two major attributes of variable generation that notably impact bulk power system planning and operations:

- **Variability:** The output of variable generation changes according to the availability of the primary fuel (e.g., wind, sunlight, and moving water), resulting in fluctuations in the plant output on all time scales.

- **Uncertainty:** The magnitude and timing of variable generation output is less predictable than for conventional generation.

Conventional Generation Planning Considerations:

- The calculation of the capacity contribution of conventional generating units are generally based on unit performance ratings, forced outage rates, and annual unforced maintenance cycles.
- Resource adequacy can be analyzed through detailed reliability simulations that compare expected demand profiles with specific generating unit's forced outage rates and maintenance schedules to yield LOLE or LOLP values.
- Reliability simulations typically include probabilistic production simulations for meeting a specified demand curve (or chronological curve) from a specified generation fleet while incorporating the forced and unforced outage rates during the simulation period.

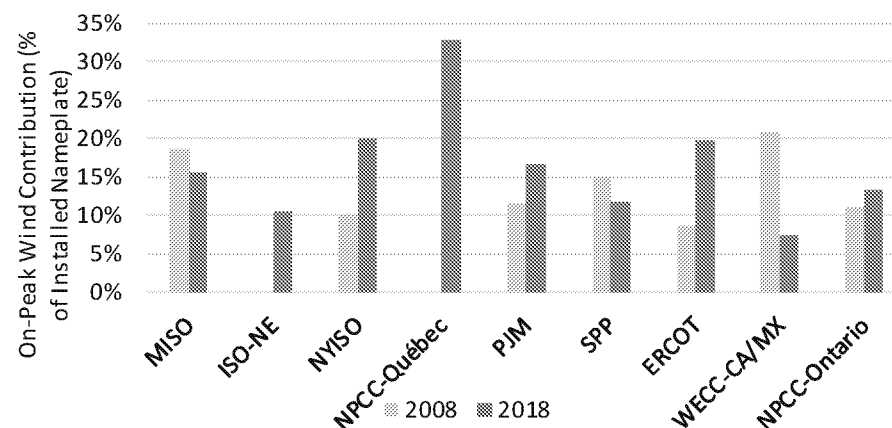


Figure 21: On-Peak Wind Contribution Has Increased in Most Areas

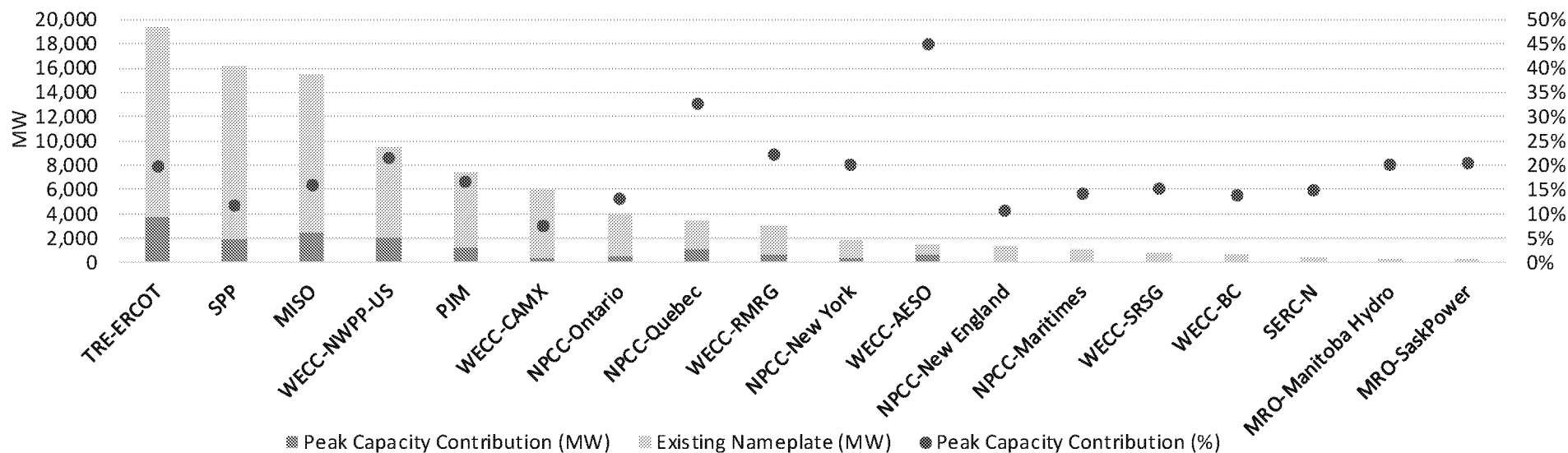


Figure 22: Nameplate and Projected Peak Capacity Contribution of Wind by Assessment Area

Table 10: Assessment Areas and Calculation of Wind Contributions

Assessment Area	Wind Assumptions
MISO	New resources: 15.6 percent capacity credit, as operational data is available, MISO employs a deterministic approach with ELCC using the historical output.
MRO-Manitoba Hydro	A 35 percent capacity value for the summer and a 0 percent capacity value for the winter (peaks in January occur at sunrise or sunset).
MRO-SaskPower	A 10 percent (summer) and 20 percent (winter) of nameplate capacity.
NPCC-Maritimes	Applies a calculated year-round calculated equivalent capacity of 20 percent (NB), 12 percent (NS) and 15 percent (PEI) of nameplate.
NPCC-New England ³³	Based on the Seasonal Claimed Capability (SCC) and equal to the median of the resource's summer net output during reliability hours (14:00–18:00; June–September) of the previous year. Summer values average to approximately 13.2 percent of nameplate rating.
NPCC-New York	Summer and winter unforced capacity based on average four hour production beginning at 14:00 during the summer or 16:00 during the winter.
NPCC-Ontario	Monthly Wind Capacity Contribution (WCC) values used to forecast the contribution. This is based on actual historic median wind performance during the last 10 years at the top 5 contiguous demand hours of the day for each winter and summer season or shoulder period month.
NPCC-Québec	Winter capacity contributions are 30 percent of contractual capacity, with the exception of 104 MW derated to zero. Derated entirely for the summer.
PJM	Initially applies 13 percent of nameplate; after three years of operation, historic performance over seasonal peak periods determine unit's capacity factor.
SERC-N	Varies; provided by entities and reviewed by SERC.
SPP	A 5 percent assumed for first three years if the LSE chooses not to perform the net capability calculation during the first 3 years of operation after which the Net Capability Calculations is applied by selecting the appropriate monthly MW values corresponding to the LSE's peak load month for each season.
Texas RE-ERCOT	Based on average historical availability during the highest 20 seasonal peak load hours for each season (2009–2016). Values recalculated after each season with new historical data. Current Contribution: 58 percent coastal and 14 percent noncoastal (summer), 35 percent coastal and 20 percent noncoastal (winter).
WECC	Based on historic on-peak performance for the expected peak hour for each year, applying actual capacity factors associated with that hour.

³³ ISO-NE uses a different approach for future wind and solar resources.

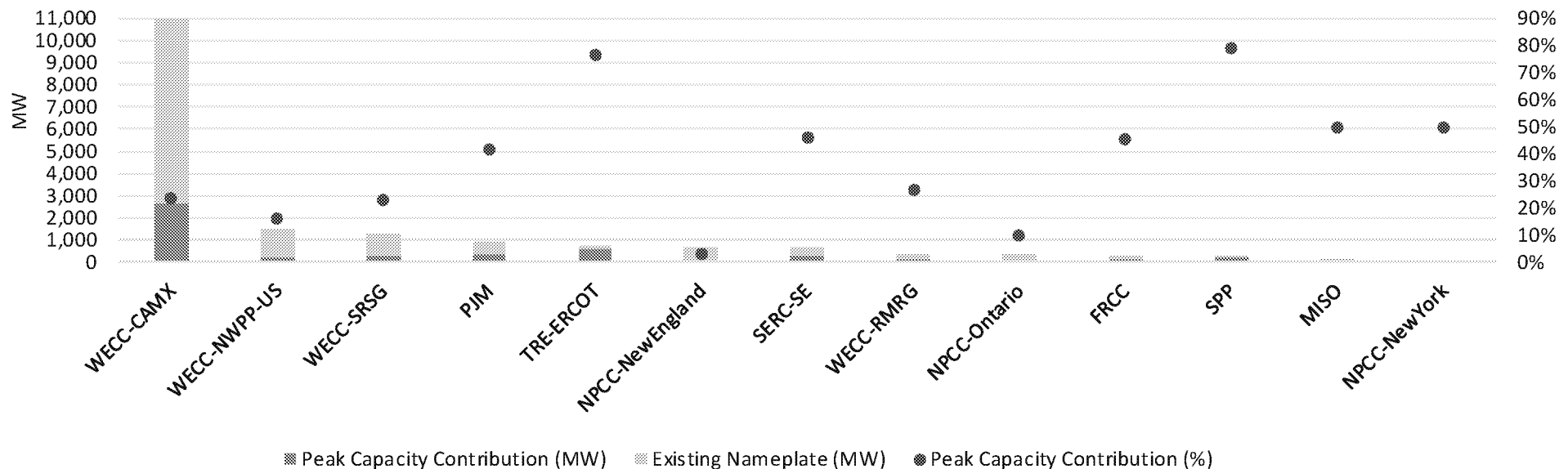


Figure 23: Nameplate and Projected Peak Capacity Contribution of Solar by Assessment Area

Table 11: Assessment Areas and Calculation of Solar Contributions

Assessment Area	Solar Assumptions
FRCC	Based on performance using modeling tools compared to hourly system load profiles.
MISO	New resources receive a 50 percent capacity credit after which the summer on-peak value is applied once actual operation data is available. MISO is considering using ELCC in the future.
NPCC-New England ³⁴	Based on the Seasonal Claimed Capability (SCC) equal to the median of the resource's summer net output during reliability hours (14:00–18:00; June–September) of the previous year.
NPCC-New York	Summer and winter unforced capacity based on average four-hour production beginning at 14:00 during the summer or 16:00 during the winter (summer and winter months of the prior equivalent capability period).
NPCC-Ontario	Monthly Solar Capacity Contribution (SCC) values are used to forecast the expected contribution.
PJM	Initially applies 38% of nameplate for the summer season; after three years of operation, historic performance over the peak period is used.
SERC	Varies; provided by entities and reviewed by SERC.
SPP	A 10 percent assumed for first 3 years if the LSE chooses not to perform the net capability calculation during the first 3 years of operation; after which the Net Capability Calculations is applied by selecting the appropriate monthly MW values corresponding to the LSE's peak load month for each season.
Texas RE-ERCOT	Based on average historical availability during the highest 20 seasonal peak load hours for each season (2014–2016). Values recalculated after each season with new historical data. Current Contribution: 77 percent (summer) and 5 percent (winter).
WECC	Based on historic on-peak performance based on the expected seasonal peak hour for each year and applying an actual capacity factors associated with that hour. For the interconnection, solar is counted at 20.6 percent (summer) and at 0 percent (winter). ³⁵

³⁴ ISO-NE uses a different approach for future wind and solar resources.

³⁵ The subregions have individual capacity factors but all subregions count winter solar capacity at 0 percent. The summer capacity for CA/MX is counted at 24.0 percent, the RM subregion at 27.0 percent, NWUS is counted at 16.5 percent, with NWCA at 50.0 percent, and SW subregion counted at 23.4 percent.

Fuel Assurance

A diverse resource mix promotes a more reliable supply of electricity, but as more areas are dependent on natural-gas-fired generators, reliability hinges on adequate arrangements for fuel and access to it. Some of the key issues around natural gas fuel assurance are as follows:

- Most natural gas delivery pipelines were built and sized to serve customers of natural gas utilities—not specifically to serve electricity generators.
- Higher reliance on natural gas can lead to fuel-security issues, particularly during extreme cold weather periods when demand on the natural gas delivery system can be stressed, exposing electric generation to fuel supply and delivery vulnerabilities.
- As part of future transmission and resource planning studies, planning entities will need to more fully understand how impacts to the natural gas transportation system can impact electric reliability.
- The fuel assurance mechanisms in **Table 12** are used by Planning Coordinators and Transmission Planners to address the natural gas generation fleet's potential exposure to fuel interruptions that could lead to multiple electric generating units becoming unavailable.
- Disruptions to the fuel delivery results from adverse events that may occur, such as line breaks, well freeze-offs, or storage facility outages.
- The pipeline system can be impacted by events that occur on the electric system (e.g., loss of electric motor-driven compressors), which is compounded when multiple plants are connected through the same pipeline or storage facility.
- Although the ability to use alternate fuel provides a key mitigation effect, only 27 percent of natural gas fired capacity added in the U.S. since 1997 is dual fuel.³⁶
- In **Figure 24**, NERC's Generator Availability Data System (GADS) shows that Regions with high levels of natural gas can manage BPS risks through fuel assurance measures described on the next page.

Table 12: Mechanisms and Planning Considerations to Promote Fuel Assurance

Fuel Service Agreements	Considerations
Alternative Fuel Capabilities	What are the fuel-firing capabilities of the unit? Is back-up oil maintained on-site? Is it tested?
Pipeline Connections	How many direct connections are available to the generator, and are they served by different supply sources?
Market and Regulatory Rules	What are the regulatory obligations under a force majeure? What tools exist to prepare and plan for a large disruption?
Vulnerability to Disruptions	What is the generation fleet's risk profile as it relates to reliance on natural gas storage and limited transportation sources?
Pipeline Expansions	Where growth in natural gas generation is occurring, is pipeline expansion also occurring?

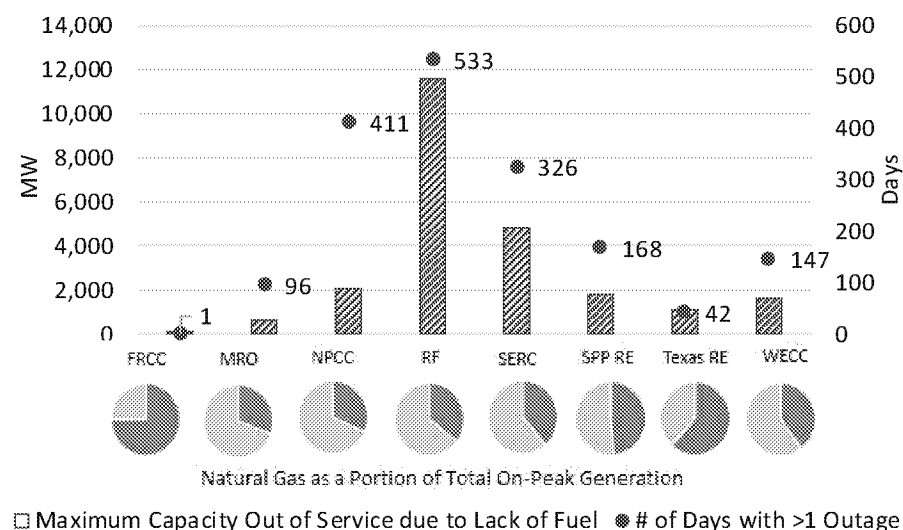


Figure 24: Unscheduled Unavailable Capacity Due to Fuel Shortage (2012–2015)

³⁶ Testimony of the Foundation for Resilient Societies By Thomas S. Popik, June 19, 2017

Additional Fuel Assurance Initiatives by Assessment Area

See **Figure 25** for natural gas as a percentage of peak capacity. See the following for additional initiatives being implemented in several assessment areas:

FRCC

- Utilities maintain significant firm natural gas contracts and maintain dual fuel capability.
- Approximately 75 percent of natural-gas-fired generation fleet can run on a back-up fuel type.
- Sabal Trail, the 3rd major interstate natural gas pipeline, was added to increase delivery and supply diversity.

Texas RE-ERCOT

- Robust pipeline infrastructure significantly reduces risk.
- Recently instituted annual fuel survey of natural-gas-fired generation fleet gauges alternate fuel capabilities.
- There is improved coordination and information-sharing between generator owners and pipeline operators.
- Most new units have firm transportation service.

WECC-CAMX

- There is improved information sharing between generator owners and pipeline operators with active coordination on energy emergencies with the California Energy Commission.
- WECC is funding a study (expected in 2018) to examine the impacts to reliability from the interdependence of the natural gas and electric systems.

NPCC-New England

- There are now preseason fuel inventory surveys for oil and dual fuel units³⁷ with market rules to offer flexibility and adjustments to day-ahead energy market.
- Beginning in 2018, the Pay-for-Performance program will provide incentives for units to perform during extreme conditions.
- The Winter Reliability Program incentivizes dual-fuel units, securing fuel inventory, and testing fuel-switching capability.³⁸
- There is improved coordination and information sharing between ISO-NE and operators (including maintenance schedules) and a Gas Usage Tool that allows system operators to estimate spare natural gas pipeline capacity (by individual pipe).

PJM

- There are now capacity performance rules for incentives and charges for nonperformance to promote adequate generator availability during peak days.

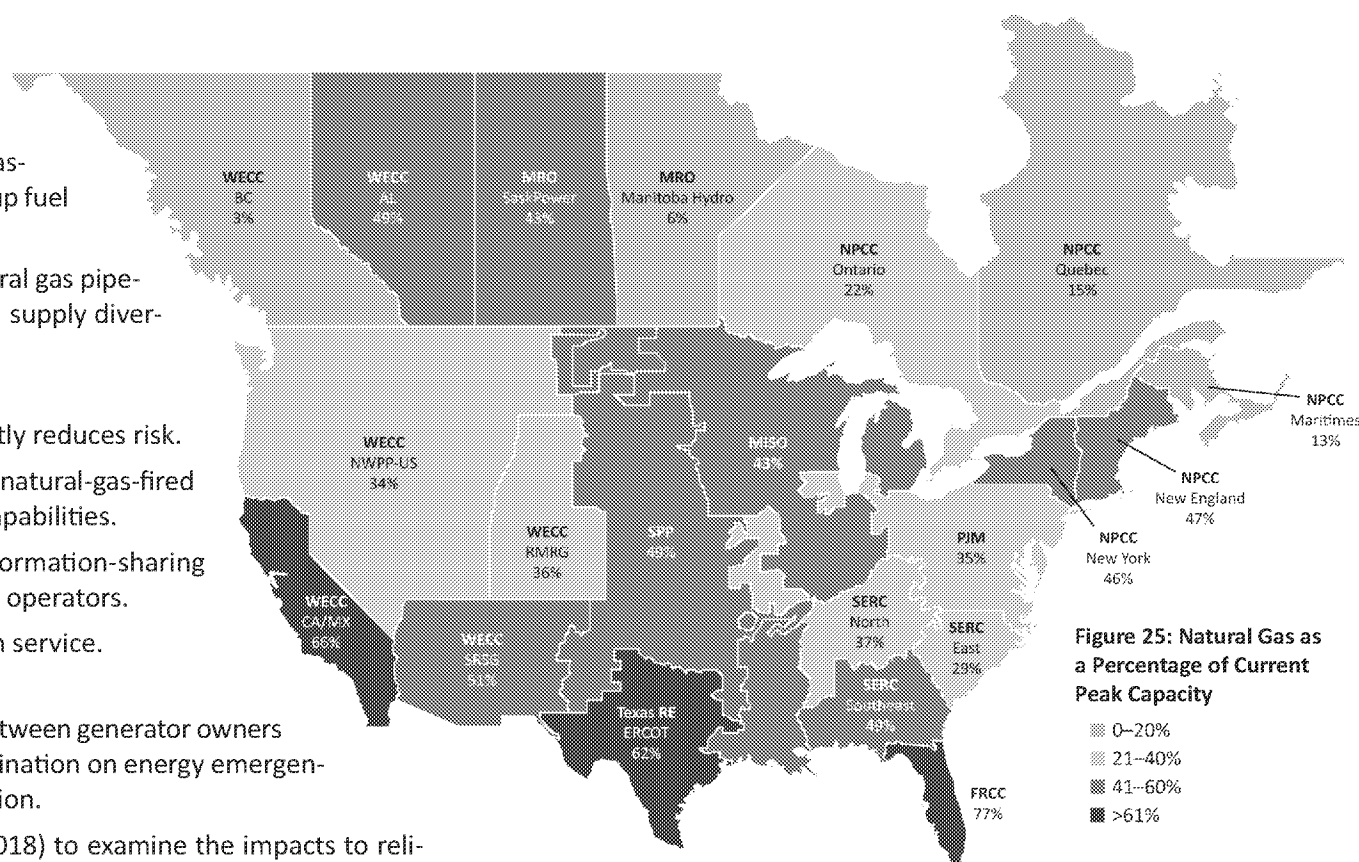
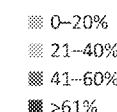


Figure 25: Natural Gas as a Percentage of Current Peak Capacity



³⁷ A total of 30 percent of gas-fired fleet is capable of using alternative fuel.

³⁸ The Winter Reliability Program ends after the 2017-2018 winter.

Transmission Additions

A total of 6,200 miles of transmission additions are planned to maintain reliability and meet policy objectives. Some of the key drivers around incremental transmission projects are highlighted below:

- The North American BPS was designed largely around central-station generation as the primary source of electricity; new transmission will be needed to integrate renewable resources.
- Accommodating new resources, particularly those located in areas different from the existing fleet, will require new transmission facilities and devices, such as static VAR compensators or synchronous condensers. Many states and provinces have policies that promote renewable resources, adding to the need for additional transmission (See **Figure 29** on page 34).
- Transmission expansion is necessary to meet policy goals, and lead times of up to 15 years may be required to permit, site, and construct these projects. See **Table 13** on next page.
- NERC-wide, approximately 6,200 circuit miles of new transmission is planned with over 1,100 circuit miles currently under construction.
- Planned transmission and under construction additions during the next decade are on-pace with actual additions during the last decade, averaging of 600 added circuit miles per year.³⁹
- Despite declining energy growth rates, actual transmission additions over a 5-year period have been higher between 2006–2015 compared to 1991–2005. See **Figure 26**.
- Most planned transmission projects are in WECC-RMRG, MISO, SPP, and other assessment areas with high levels of wind penetration.⁴⁰ See **Figure 29** as well as **Figure 30** on page 34.
- Over the next ten years, energy growth is expected to remain relatively flat and decline in some areas; however, transmission needs to maintain reliability are increasing.
- Variable resource integration is the primary driver for approximately 13 percent of planned transmission projects with 78 percent attributed to reliability. See **Figure 28**.
- Connecting wind power to load centers and ensuring grid flexibility with those resources continue to be areas of interest for transmission investment.

³⁹ Source: NERC Transmission Availability Data System (TADS), which is based on existing (inventory) ac transmission, 200–599 kV.

⁴⁰ Planned ac transmission projects, 200–599 kV.

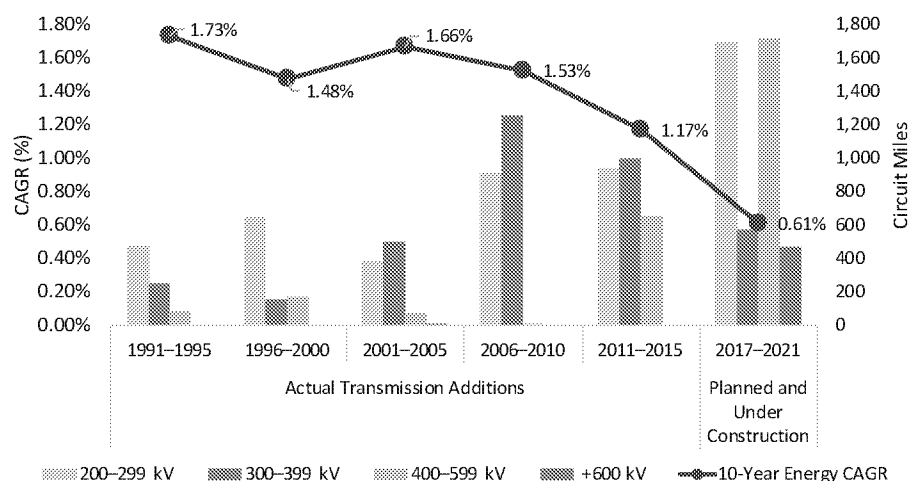


Figure 26: Actual AC Transmission Additions in the U.S. (+200 kV)

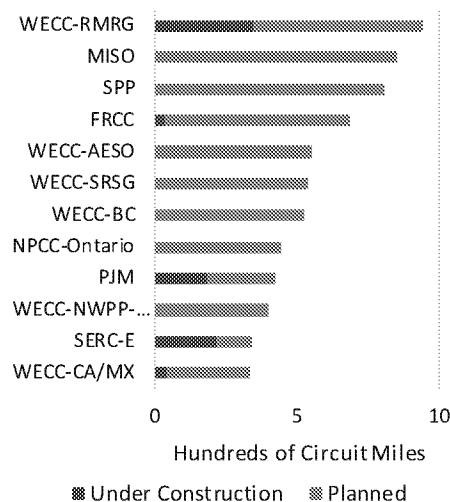


Figure 27: Areas with Most Planned Additions

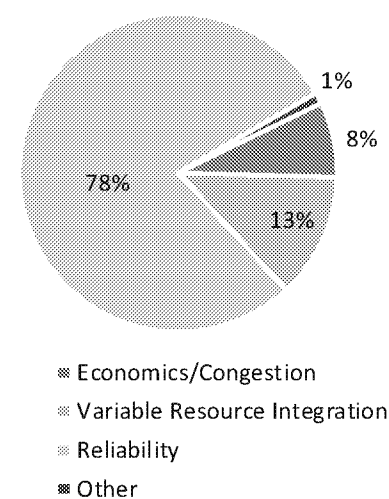


Figure 28: Transmission Project Drivers

Table 13: Major Planned Transmission Projects to Address Load-Growth and Reliability

Assessment Area	Project Description
MRO-Manitoba Hydro	The addition of a third Bipolar HVdc transmission system in 2018 is the largest system enhancement for Manitoba Hydro.
NPCC-Maritimes	A new 138 kV overhead line in New Brunswick (NB) to the new cable terminus will be built in late-2017 with transmission reconfigurations on Prince Edward Island that will further increase capacity to the Island by October 2018. A 475 MW +/-200 kV High Voltage Direct Current (HVDC) undersea cable link (Maritime Link) between Newfoundland and Labrador and Nova Scotia (NS) will be installed by late-2017. This cable, in conjunction with the construction of the Muskrat Falls hydro development in Labrador, is expected to facilitate the unconfirmed retirement of a 153 MW coal-fired unit in NS by mid-2020. The Maritime Link could potentially provide a source for imports from NS into NB that would reduce transmission loading in the southeastern NB area.
Texas RE-ERCOT	The ERCOT Board of Directors has endorsed a transmission project that includes two new 345-kV lines to help address future reliability concerns in the growing region [and corresponding load growth] of Far West Texas. Increased oil and natural gas exploration in the Permian Basin area in Far West Texas has contributed to high load growth in the Region. Between 2010 and 2016, the average load growth in Far West Texas was about 8 percent. An increase in the number of generation projects, mostly solar, being developed in this area is also a factor. An independent analysis performed by ERCOT confirmed the project's necessity. The project will include a new 345-kV transmission line that will connect the Odessa and Riverton substations. It will span approximately 101 miles across Ector, Winkler, Loving and Reeves counties. In this area alone, peak electricity demand has jumped from 22 MW in 2010 to more than 200 MW in 2016; it is projected to exceed 500 MW by 2021. The second new 345-kV transmission line will be located further south in Pecos County, spanning about 68 miles and connecting the Bakersfield and Solstice substations. ERCOT estimates the project will be completed in the next 4–5 years, pending approval from the Public Utility Commission of Texas.
Texas RE-ERCOT	A new Houston Import Project, a 130-mile 345 kV double circuit line from Limestone to Gibbons Creek to Zenith, is planned to be in-service before the 2018 summer peak. ⁴¹ The Houston area demand is met by generation located within the area and by importing power via high voltage lines into the area from the rest of the ERCOT System. This new line will support anticipated long-term load growth in the Houston area. Power imports into the Houston area are expected to be constrained until this new line is in service.
NPCC-Québec	Planning studies have shown the need to reinforce the transmission system with a new 735-kV line in the near future in order to meet Reliability Standards. The line will extend from the Chamouchouane substation on the eastern James Bay subsystem to a new substation (Judith Jasmin) in Montréal (250 miles). The new 735kV substation is required to fulfill two objectives: provide a new source of electricity supply on the north shore of Montreal and connect the new 735kV line from Chamouchouane to the Montreal metropolitan loop. This project will reduce transfers on other parallel lines on the Southern 735kV Interface, optimizing operation flexibility and reducing losses. The line is scheduled for the 2018–2019 winter peak period. Construction of the power line is underway.

⁴¹ [Houston Import Project Information](#)

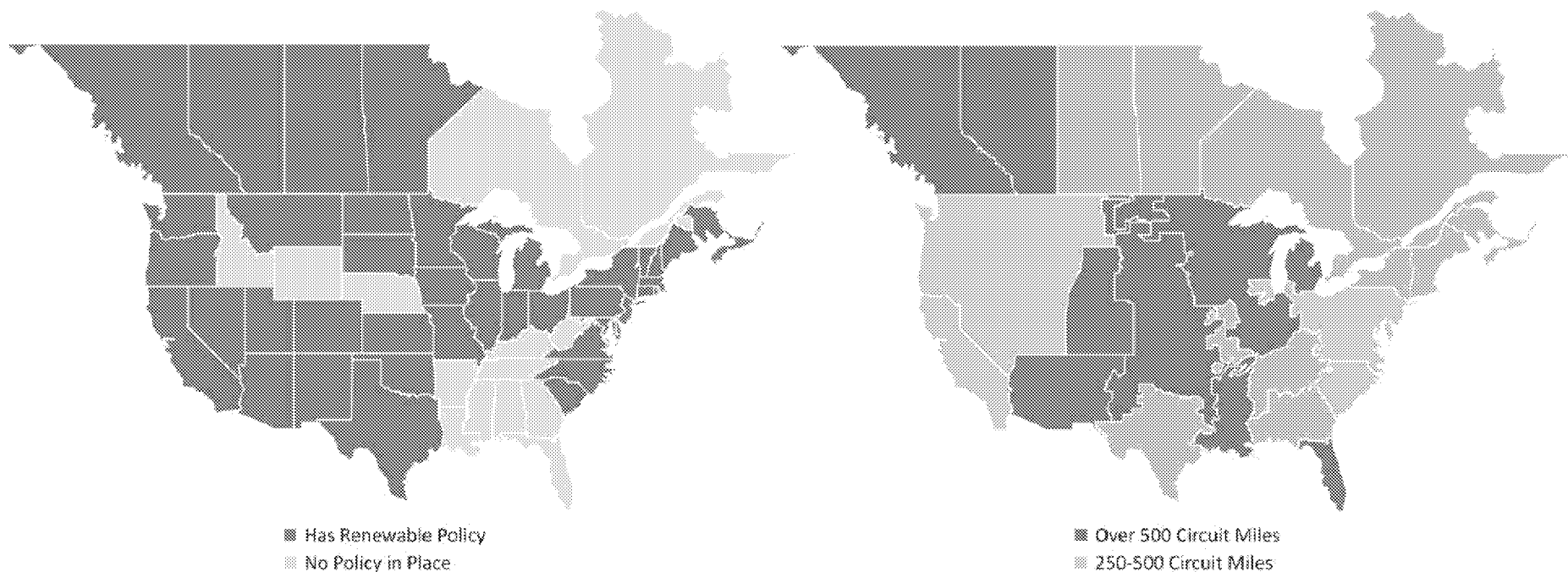


Figure 29: States and Provinces with Policies that Promote Renewable Resources

Significant transmission is being planned and constructed in Regions with high levels of wind additions, and it is important that these projects are completed to maintain reliability and policy objectives, including renewable portfolio standards and goals in states and provinces. **Table 14** includes examples of initiatives that have been introduced in various areas to ensure transmission projects keep pace with state policies that require rapid growth of VER penetration:

Figure 30: Assessment Areas with High Levels of Transmission Additions

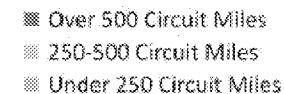


Table 14: Overview of Areas with Significant Transmission Projects Resulting from Wind Integration		
California's Renewable Energy Transmission Initiative (RETI) and CAISO's Energy Imbalance Market	Wind Integration Challenges in SPP	Multi-Value Projects in MISO
<ul style="list-style-type: none"> RETI is a joint effort among the California Public Utilities Commission, the Energy Commission, the CAISO, IOS, and public utilities to help identify transmission projects needed to accommodate the state's renewable energy goals by facilitating transmission corridor designations and identifying siting and permitting needs. CAISO's western Energy Imbalance Market (EIM) further helps address "overgeneration" periods as energy can be sent outside of the state to serve real-time customer demand across a wide geographic area, allowing shared reserve power to maintain system reliability. 	<ul style="list-style-type: none"> Installed wind-generation capacity increased by more than 30 percent in 2016, increasing from 12 GW to more than 16 GW. Even with internal transmission additions, wind generation is growing at a pace that may impact reliability during light-load periods. Although substantial transmission infrastructure additions are planned or under development, export capabilities may be needed when wind output exceeds internal demand. 	<ul style="list-style-type: none"> MISO's long-term transmission planning identified needed projects (known as "Multi-Value Projects") based on the amount of renewables required by each state's renewable portfolio standards. Estimates were made for locations and production of potential wind and solar projects, and associated lines were identified to integrate them.

Additional Reliability Issues

NERC continues to monitor and report on a variety of other issues that are generally categorized as lower risk. While these issues may not require immediate attention or action, there is a consistent need to assess all system changes or impacts to be aware of any risks.

Monitored Reliability Risks	What's Happening?	Reliability Impacts	Risk Assessment Recommendations
DER Impacts on Automatic Under Frequency/Under Voltage Load Shedding (UFLS/UVLS) Protection Schemes	The effect of aggregated and increasing DERs may not be fully represented in BPS planning models and operating tools.	UFLS/UVLS schemes rely on the rapid disconnection of load during frequency or voltage excursions. These schemes use fast acting relays to disconnect load to help arrest and recover from degrading system frequency or voltage. However, in some cases, DER resources are “netted” with distribution load when measured and modeled. Consequently, the system operator may not be aware of the total load compared to the total interconnected resources that are “behind-the-meter.” Should a system excursion exceed the inverter protection settings, it is likely that DERs may automatically disconnect, resulting in both the loss of resources as well as an increase in load that was served by the lost DERs. The increase in net load during such an event can exacerbate the underlying disturbance that caused the voltage or frequency excursion. Additionally, as DERs are integrated with more load, the response in real-time may not result in what was modeled or simulated.	This risk is largely a function of the amount of concentrated DERs at local distribution feeders. As more DERs are added, system planners may need to adapt their protection schemes to account for the changing system characteristics. There are at least two major events that have occurred on the European power system where the disconnection of DERs played a role in system collapse. ⁴²
Reactive Power Requirements for Nonsynchronous Generation	Increasing amounts of reactive power are being supplied by nonsynchronous sources.	There are two components to the power supplied by conventional electric generators: real power and reactive power. Reactive power support from nonsynchronous generating resources and transmission-connected power electronic devices will increasingly be used to replace dynamic voltage support from retiring synchronous generating resources. Nonsynchronous generating resources and transmission-connected reactive power devices, including SVCs, static synchronous compensators (STATCOMs), and synchronous condensers, can provide dynamic reactive power support.	NERC Reliability Standards should be assessed to ensure that applicability covers the changing nature of reactive power support across the BPS. Recommended performance specifications and controls coordination studies may be needed to better understand potential interactions and ensure system reliability. As more reactive support is provided by new technologies, it is prudent to monitor their performance to better understand any reliability or system interaction issues. Inventory, projections, and performance data are needed to better evaluate the risk.

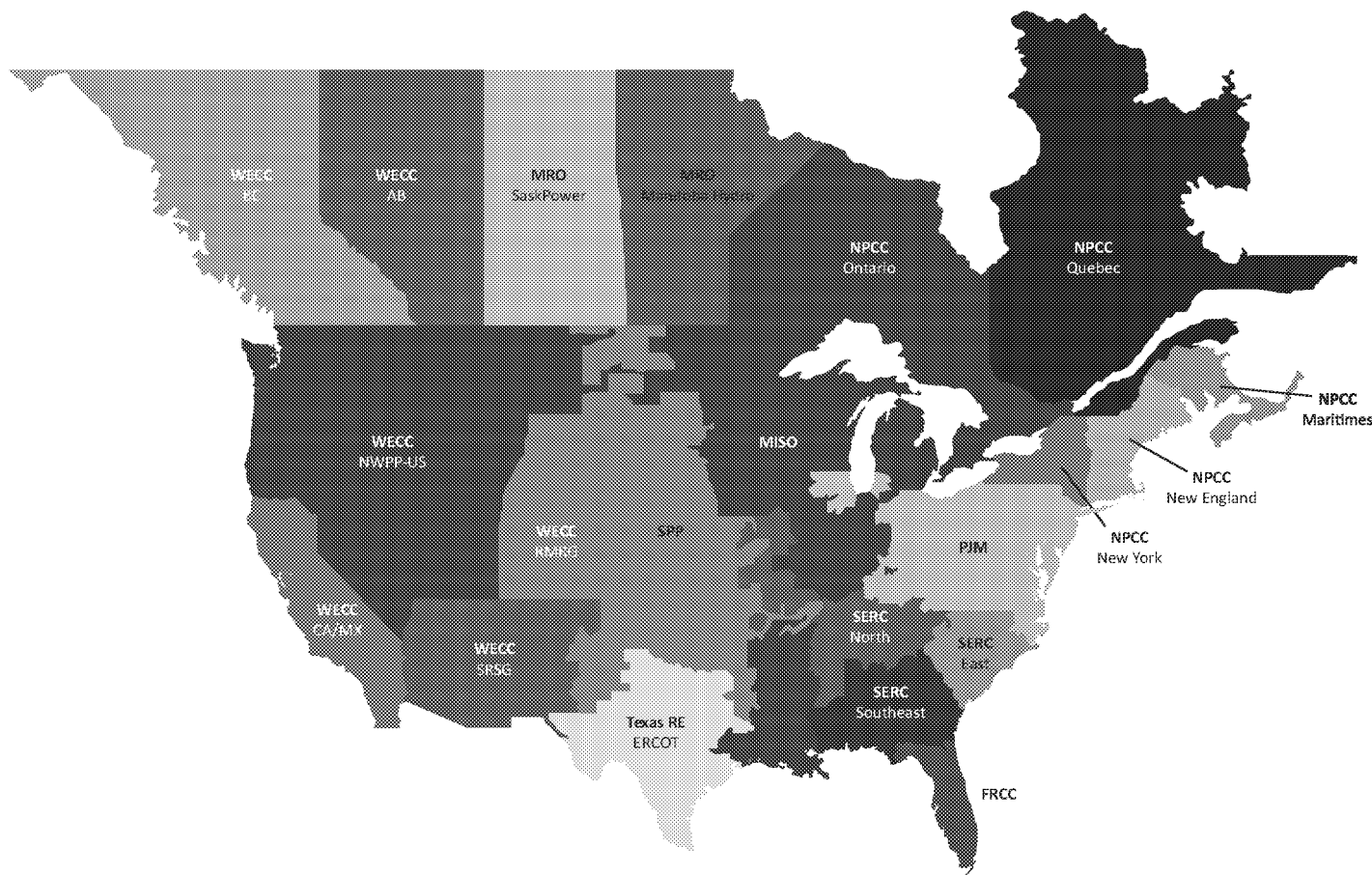
⁴² Italy Blackout 2003: On the September 28, 2003, a blackout affected more than 56 million people across Italy and areas of Switzerland. The disruption lasted for more than 48 hours as crews struggled to reconnect areas across the Italian peninsula. The reason for the blackout was that during this phase the under-voltage load shedding could not compensate the additional loss of generation when approximately 7.5 GW of distributed power plants tripped during under-frequency operation. European Blackout 2006: On November 4, 2006, at around 22:10, the UCTE interconnected grid was affected by a serious incident originating from the North German transmission grid that led to power supply disruptions for more than 15 million European households and a splitting of the UCTE synchronously interconnected network into three areas. The imbalance between supply and demand as a result of the splitting was further increased in the first moment due to a significant amount of tripped generation connected to the distribution grid. In the over-frequency area (Northeast), the lack of sufficient control over generation units contributed to the deterioration of system conditions in this area (long lasting over-frequency with severe overloading on high-voltage transmission lines). Generally, the uncontrolled operation of dispersed generation (mainly wind and combined-heat-and-power) during the disturbance complicated the process of re-establishing normal system conditions.

Monitored Reliability Risks	What's Happening?	Reliability Impacts	Risk Assessment Recommendations
System Restoration and Resilience Efforts Impacted by the Changing Resource Mix	The changing resource mix introduces different challenges and risks to system restoration and resilience to extreme weather conditions.	Retiring conventional generation that has supported the blackstart capability of the system or are critical elements to “cranking paths” may impact system resilience in terms of being able to recover rapidly. With more decentralized resources, additional complexity exists in coordinating restoration between these generating units and control rooms. Since a majority of wind and solar units generate the maximum energy possible at any given moment, lack of controllable outputs can further complicate restoration efforts. Additional challenges exist, including availability of energy input (i.e., sunlight, wind) during system restoration and the ability to provide “grid-forming” services during blackstart conditions. Thus, for existing wind and solar photovoltaic (PV) resources to participate in system restoration, they currently must follow and coordinate with a grid voltage and frequency that has been set by a synchronous generation resource. Viable, large-scale capability for blackstart with wind and solar PV are possible if this is a desired feature, but are several years away from commercial availability.	Periodic reviews of restoration plans can mitigate impacts of the changing resource mix.
Potential Impact to System Strength and Fault Current Contributions	As inverter-based resources replace more conventional generation, short circuit current availability can be impacted due to the limited fault current contribution of renewable generation.	Low SCRs increase the likelihood of subsynchronous behavior and control interactions among neighboring devices that use power electronics. ⁴³	More industry guidance is needed to assess low short-circuit conditions on the BPS, system implications, desired inverter response, and potential solutions to mitigate these issues. Assessment techniques to identify low fault current conditions should continue to be advanced by Transmission Planners by considering light-load and low fault current conditions. Short-circuit ratio calculations and wide-area relay sensitivity studies could be performed to identify locations susceptible to low fault current issues.

⁴³ ERCOT, System Strength Assessment of the Panhandle System.

Assessment Area Dashboards and Summaries

The following assessment area dashboards and summaries were developed based on data and narrative information collected by NERC from the eight Regional Entities on an assessment area basis. The Reliability Assessment Subcommittee (RAS), at the direction of NERC's Planning Committee, supported the development of this assessment through a comprehensive and transparent peer review process that leveraged the knowledge and experience of system planners, RAS members, NERC staff, and other subject matter experts. This peer review process promotes the accuracy and completeness of all data and information.



FRCC—Florida Reliability Coordinating Council

■ FRCC

MRO—Midwest Reliability Organization

■ MRO-SaskPower

■ MRO-Manitoba Hydro

■ MISO

SPP RE—Southwest Power Pool Regional Entity

■ SPP

Texas RE—Texas Reliability Entity

■ ERCOT

NPCC—Northeast Power Coordinating Council

■ NPCC-New England

■ NPCC-Maritimes

■ NPCC-New York

■ NPCC-Ontario

■ NPCC-Québec

RF—ReliabilityFirst

■ PJM

WECC—Western Electricity Coordinating Council

■ WECC-BC

■ WECC-AB

■ WECC-RMRG

■ WECC-CA/MX

■ WECC-SRSG

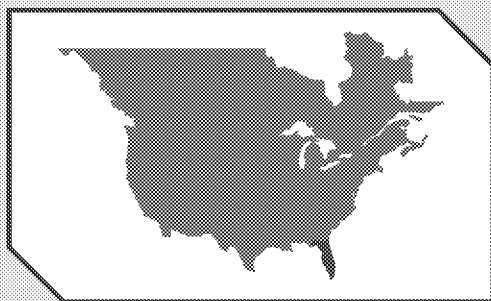
■ WECC-NWPP-US

SERC—SERC Reliability Corporation

■ SERC-East

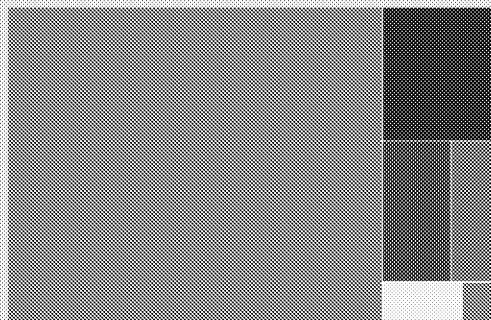
■ SERC-North

■ SERC-Southeast



FRCC

The Florida Reliability Coordinating Council's (FRCC) membership includes 30 Regional Entity Division members and 23 Member Services Division members composed of investor-owned utilities (IOUs), cooperatives, municipal utilities, power marketers, and independent power producers. FRCC is divided into 10 Balancing Authorities with 47 registered entities (both members and non-members) performing the functions identified in the NERC Reliability Functional Model and defined in the NERC Reliability Standards. The Region contains a population of over 16 million people and has a geographic coverage of about 50,000 square miles over Florida.

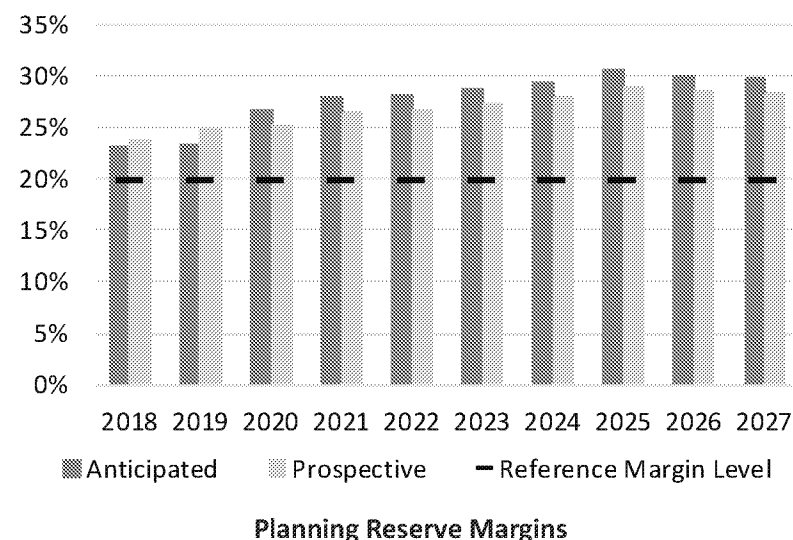


Highlights

- The FRCC is not expecting any long-term reliability impacts from fuel supply or transportation constraints. The FRCC's Fuel Reliability Working Group (FRWG) will continue to provide oversight of the regional fuel reliability.
- In summer of 2017, another major interstate natural gas pipeline, Sabal Trail (along with an interconnecting transfer hub), was completed to increase delivery and supply diversity to FRCC. In addition, FRCC entities maintain significant firm contracts for natural gas supply and delivery and maintain a significant level of dual fuel capability across the Region.
- Despite severe damage in localized areas of Southwest Florida and catastrophic damage in the Florida Keys (non-BES), Hurricane Irma did not cause any substantial damage to generation facilities, and all BES transmission infrastructure on the mainland was restored within a week.

Demand, Resources, and Reserve Margins (Summer)										
Demand (MW)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Total Internal Demand	48,042	48,587	48,947	49,498	49,984	50,600	51,264	51,893	52,525	52,525
Demand Response	3,001	3,054	3,109	3,166	3,190	3,216	3,233	3,235	3,265	3,265
Net Internal Demand	45,041	45,533	45,838	46,332	46,794	47,384	48,031	48,658	49,260	49,260
Resources (MW)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Anticipated	54,664	55,776	56,149	56,222	57,921	59,072	58,654	58,941	59,029	59,029
Prospective	55,169	56,411	56,678	57,211	58,909	60,061	60,247	60,687	60,898	60,898
Reserve Margins (%)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Anticipated	21.36	22.50	22.49	21.35	23.78	24.67	22.12	21.13	19.83	19.83
Prospective	22.49	23.89	23.65	23.48	25.89	26.75	25.43	24.72	23.63	23.63
Reference Margin Level	15.0	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00

Existing On-Peak Generation (Summer)			
Generation Type		Peak Season Capacity	
		MW	%
Biomass		495	1
Coal		5,737	11
Hydro		44	0
Natural Gas		39,976	75
Nuclear		3,638	7
Petroleum		2,411	5
Solar		1,254	2



Planning Reserve Margins

The FRCC uses the Florida Public Service Commission's reliability criterion of 15 percent reserve margin criteria for non-IOWs as the minimum Regional Total Reserve Margin based on firm load. FRCC Reserve Margin calculations include merchant plant capacity that is under firm contract to load-serving entities. The FRCC assesses the upcoming 10-year projected summer and winter peak hour loads, generating resources, and demand side management (DSM) resources on an annual basis to ensure that the Regional Reserve Margin requirement is projected to be met.

Demand

Each individual stakeholder within the FRCC Region develops a forecast that accounts for their actual peak demand. The FRCC then aggregates these forecasts to calculate a noncoincident seasonal peak. Firm summer peak demand growth is expected to remain consistent with previous forecasts at 1.1 percent per year. For firm winter peak demand, the growth rate is also expected to remain consistent to previous forecasts at 1.0 percent per year.

Demand-Side Management

Each individual reporting entity develops independent analyses of the estimated impacts of Demand Response and Load Management. FRCC then aggregates those impacts for analytical purposes. Demand response is projected to be relatively constant at approximately 6.3 percent of the summer and winter total peak demands for all years of the planning horizon. Some of the larger utilities in the Region account for load profile modifiers, such as distributed energy resources (DERs) and electric vehicles in their forecast. Those utilities that do not account for such load profile modifiers in their forecasts have not yet experienced a large enough penetration rate of these types of facilities to modify their existing load profiles.

Distributed Energy Resources (DERs)

DERs are modeled with associated loads and netted out since these loads are implicitly accounted for with the load forecasts of entities within the FRCC. Currently, the FRCC Region has low penetration levels of DERs; however, penetration levels are expected to grow throughout the forecast horizon. There is currently a solar task force tasked with examining and determining procedures and processes to address the projected growth of photovoltaic (PV) penetration within the Region, including DERs. Installed PV capacity is projected to increase from 223 MW in Summer 2018 to 1,132 MW in Summer 2026.

Generation

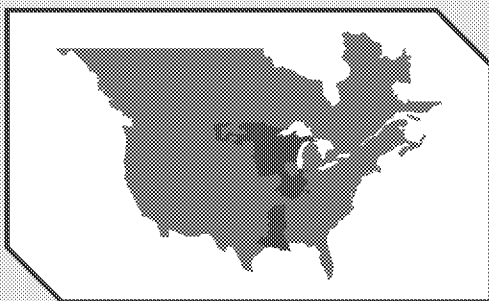
The FRCC is not expecting any long-term reliability impacts from an increased reliance on natural-gas-fired generation. A total of 2,640 MW of coal along with 1,214 MW of natural gas will be retired during the assessment period. The FRCC is not expecting any long-term reliability impacts from generating plant retirements.

Capacity Transfers

All firm on-peak capacity imports into the FRCC Region have firm transmission service agreements in place to ensure deliverability into the FRCC Region; these capacity resources are accounted for in the calculation of the Region's Anticipated Reserve Margin. In addition to real-time and daily operations planning coordination of capacity availability across the interface, the interface owners between the FRCC and SERC assessment areas meet twice a year to coordinate and perform joint planning studies to ensure the reliability and adequacy of the interface. An unplanned outage of one of the major 500 kV tie-lines with SERC would cause an operational reduction of the import/export capability of the Florida/Southern interface. The FRCC's Reliability Coordinator (RC) has established procedures that outline the coordination process between the RC's and the interface owners to facilitate the reduction of flow into the FRCC to an acceptable precontingency operating state and within defined System Operating Limits.

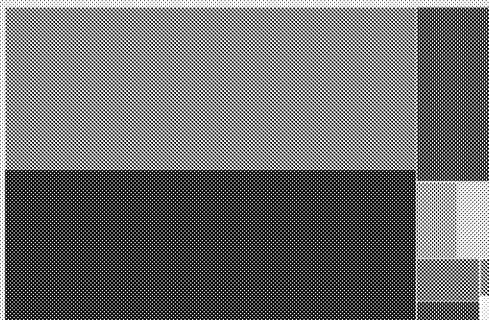
Transmission

The FRCC Region has not identified any major projects that are needed to maintain or enhance reliability during the planning horizon. Planned projects are primarily related to routine expansion in order to serve forecasted growing demand or for reliable resource integration.



MISO

The Midcontinent Independent System Operator, Inc. (MISO) is a not-for-profit, member-based organization that administers the wholesale electricity markets that provide customers with valued service; reliable, cost-effective systems and operations; dependable and transparent prices; open access to markets; and planning for long-term efficiency. MISO manages energy, reliability, and operating reserve markets that consist of 36 local Balancing Authorities and 394 market participants, serving approximately 42 million customers. Although parts of MISO fall in three NERC Regions, MRO is responsible for coordinating data and information submitted for NERC's reliability assessments.

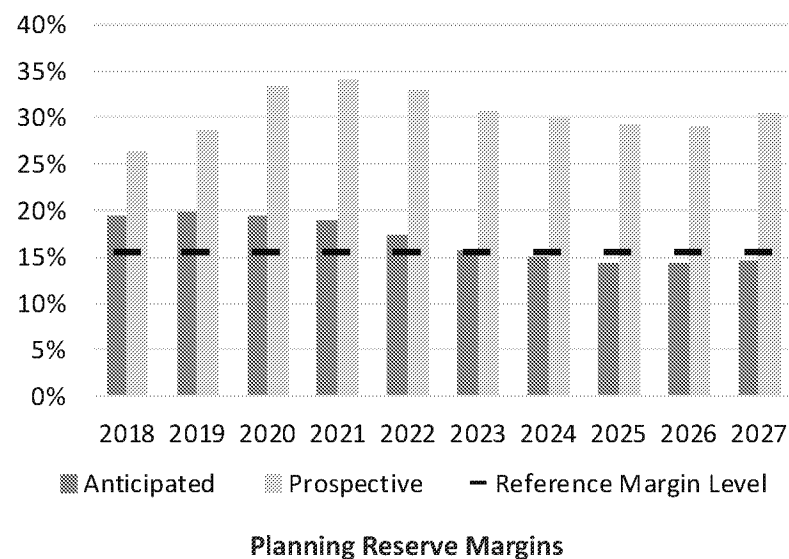


Highlights

- For 2018, MISO is projected to have 2.7 GW to 4.8 GW resources in excess of the regional requirement. Through 2022, regional surpluses and potential resources are sufficient for all zones to serve their deficits while meeting local requirements.
- Continued focus on load growth variations and generation retirements will allow transparency around future resource adequacy risk.

Demand, Resources, and Reserve Margins										
Demand (MW)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Total Internal Demand	125,568	126,544	127,022	127,646	128,287	128,897	129,409	129,109	128,913	128,716
Demand Response	5,621	5,621	5,621	5,621	5,621	5,621	5,621	5,621	5,621	5,621
Net Internal Demand	119,947	120,923	121,402	122,025	122,666	123,276	123,789	123,488	123,292	123,095
Resources (MW)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Anticipated	143,012	144,857	144,925	145,121	143,866	142,477	142,265	141,079	140,922	141,021
Prospective	151,344	155,322	161,883	163,567	163,093	160,946	160,735	159,548	158,981	160,372
Reserve Margins (%)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Anticipated	19.23	19.79	19.38	18.93	17.28	15.57	14.93	14.24	14.30	14.56
Prospective	26.18	28.45	33.35	34.04	32.96	30.56	29.85	29.20	28.95	30.28
Reference Margin Level	15.80	15.80	15.80	15.80	15.80	15.80	15.80	15.80	15.80	15.80

Existing On-Peak Generation (Summer)		
Generation Type	Peak Season Capacity	
	MW	Percent
Biomass	439	0.3
Coal	56,226	40.9
Hydro	1,271	0.9
Natural Gas	59,546	43.3
Nuclear	11,955	8.7
Petroleum	2,427	1.8
Pumped Storage	2,775	2.0
Solar	319	0.2
Wind	2,431	1.8



Planning Reserve Margins

The Anticipated Reserve Margin remains above the Reference Margin Level of 15.8 percent through the summer of 2022. In 2018, MISO is projected to have 2.7 GW to 4.8 GW of resources in excess of the Planning Reserve Margin Requirement. MISO's regional surpluses and potential resources are sufficient for all zones to serve their deficits while meeting local requirements in the 2019–2022 time frame.

Demand

MISO projects the summer coincident peak demand to grow at an average annual rate of 0.3 percent for the 10-year period, slightly less than the 2016 LTRA. Zones 4 and 7 (Lower Peninsula Michigan) have essentially flat load growth rate over the 10-year period; specifically, Zone 4 saw the largest year-over-year change within MISO. This included forecasted load reductions due to expected loss of industrial load paired with a near-flat future growth rate. These are the main drivers in the reduction of regional growth.

Demand-Side Management

MISO forecasts 5,620 MW of direct control load management and interruptible load to be available for the assessment period. MISO also forecasts at least 4,129 MW of behind-the-meter generation to be available for the assessment period. Zone 4 and Zone 7 had a significant increase in DR for the assessment period, due to new registrations by aggregators in MISO's Module E Capacity Tracking Tool. Energy efficiency is not explicitly forecasted at MISO; any energy efficiency programs are reflected within the demand and energy forecasts.

Distributed Energy Resources (DERs)

As part of the MISO Transmission Expansion Plan (MTEP) study, there was an attempt to collect information on DERs. The forecast provides an estimate of DER programs and their impact on peak demand and annual energy savings. This forecast positions MISO to understand emerging technologies and the role they play in transmission planning as there is a specific case on distributed energy resources both at a base case level and increased penetration level. MISO has not experienced any operational challenges as of yet but expects to as programs grow in the future.

Generation

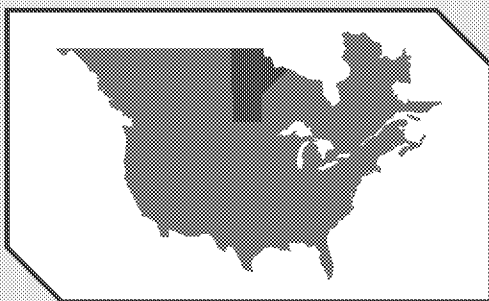
A total of 574 MW of generation capacity is retiring in 2017 and an additional 735 MW of generation capacity will retire in 2018. Through the generator interconnection queue (GIQ) process, MISO anticipates 4,517 MW of future firm capacity additions and uprates along with 4,106 MW of future potential capacity additions to be in-service and expected on-peak during the assessment period. This is based on a snapshot of the GIQ and the 2017 OMS-MISO Survey as of June 2017, which includes the aggregation of active projects.

Capacity Transfers

The SPP settlement agreement has put in place a regional directional transfer limit replacing the Operations Reliability Coordination Agreement operating limit. Specifically, midwest (LRZs 1-7) to south (LRZs 8-10) flow is limited to 3,000 MWs and south to midwest is limited to 2,500 MWs. Without this regional directional transfer limit, there is roughly 3 GW in the near term that would be available to support resource adequacy in the short-term.

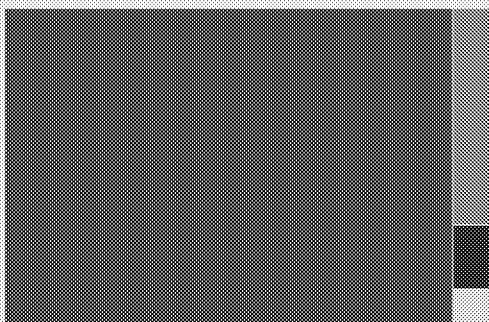
Transmission

The annual MISO Transmission Expansion Plan (MTEP) proposes transmission projects to maintain a reliable electric grid and deliver the lowest-cost energy to customers in MISO. Major categories of the MTEP include the following: A total of 106 baseline reliability projects required to meet NERC Reliability Standards, 32 generator interconnection projects required to reliably connect new generation to the transmission grid, 1 market efficiency project to meet requirements for reducing market congestion, 1 transmission delivery service project that includes network upgrades driven by transmission service requests, and 243 other projects.



MRO-Manitoba Hydro

Manitoba Hydro is a provincial crown corporation that provides electricity to 556,000 customers throughout Manitoba and natural gas service to 272,000 customers in various communities throughout southern Manitoba. The Province of Manitoba is 250,946 square miles. Manitoba Hydro is winter peaking. No change in the footprint area is expected during the assessment period. Manitoba Hydro is its own Planning Coordinator and Balancing Authority. Manitoba Hydro is a coordinating member of MISO. MISO is the Reliability Coordinator for Manitoba Hydro.

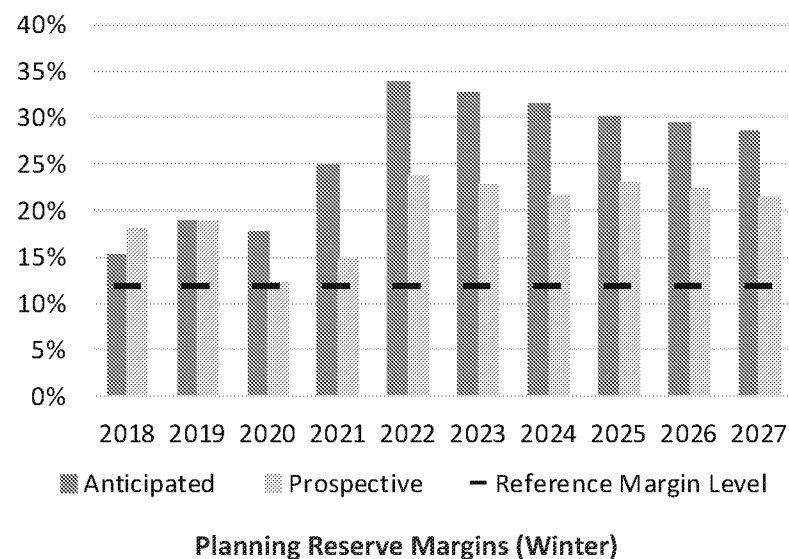


Highlights

- The Anticipated Reserve Margin does not fall below the Reference Margin Level of 12 percent in any year during the assessment period. The 630 MW (net addition) Keeyask hydro station is expected to come into service beginning in the winter of 2021/2022, which helps ensure resource adequacy in the latter half and after the end of the current assessment period. No resource adequacy issues are expected.
- Demand is flattening over the LTRA horizon as a result of reduced load growth and energy efficiency and conservation efforts.
- The Bipole 3 HVDC transmission line is expected to come into service in 2018 and will improve reliability during extreme events.

Demand, Resources, and Reserve Margins										
Demand (MW)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Total Internal Demand	4,760	4,642	4,681	4,706	4,739	4,777	4,817	4,840	4,867	4,897
Demand Response	0	0	0	0	0	0	0	0	0	0
Net Internal Demand	4,760	4,642	4,681	4,706	4,739	4,777	4,817	4,840	4,867	4,897
Resources (MW)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Anticipated	5,488	5,513	5,507	5,870	6,338	6,338	6,338	6,298	6,298	6,298
Prospective	5,609	5,517	5,257	5,395	5,863	5,863	5,863	5,948	5,948	5,948
Reserve Margins (%)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Anticipated	15.29	18.76	17.65	24.73	33.74	32.68	31.58	30.13	29.40	28.61
Prospective	17.85	18.85	12.30	14.64	23.72	22.73	21.71	22.89	22.21	21.46
Reference Margin Level	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00

Existing On-Peak Generation (Winter)		
Generation Type	Peak Season Capacity	
	MW	%
Coal	92	1.7
Hydro	5,095	91.8
Natural Gas	311	5.6
Wind	52	0.9



Planning Reserve Margins

The Anticipated Reserve Margin does not fall below the Reference Margin Level of 12 percent in any year during the 10-year assessment period.

Demand

The province is divided into five smaller subregions: Northern, Western, Interlake, Eastern and Winnipeg. The localized winter peak growth rate varies from a low of 0.5 percent in the Northern region to a high of 4.4 percent in the Eastern region. The high growth in the Eastern region is due to population growth in the Steinbach area as well accelerated growth on the east side of Lake Winnipeg.

Demand-Side Management

Manitoba Hydro does not have any demand side management resources that are considered as controllable and dispatchable demand response.

Distributed Energy Resources (DERs)

Manitoba Hydro projects that installed DERs will increase from 15.5 MW in 2017 to 30.8 MW in 2027. There is less than 1 MW of solar distributed energy resources in Manitoba. Even with high growth rates, Manitoba Hydro is not anticipating the quantity of solar distributed energy resources to increase to a level that could cause operational impacts during the assessment period.

Generation

The 630 MW (net addition) Keeyask hydro station is anticipated to come into service beginning in the winter of 2021/2022, which will help promote resource adequacy in the latter years of the assessment period and support a related 250 MW capacity transfer into MISO. The only unit currently impacted by environmental requirements is Brandon Unit 5 (coal), which is categorized as an unconfirmed retirement at the end of 2019. The driver of the potential retirement of Brandon Unit 5 is both environmental and end of lifespan. No adverse effect on reliability is anticipated as a result of the potential retirement as this unit is currently planned to be converted into a synchronous condenser for area voltage support once the coal-fired boiler is retired.

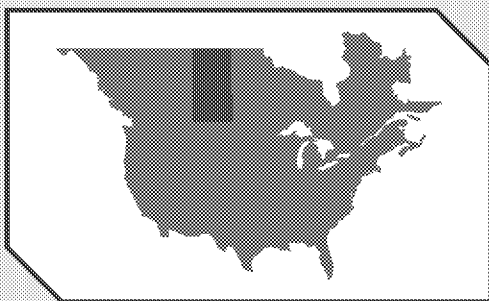
Capacity Transfers

The Manitoba Hydro system is interconnected to the MISO Zone 1 Local Resource zone (which includes Minnesota and North Dakota), which is summer-peaking as a whole. Significant capacity transfer limitations from MISO into Manitoba may have the potential to cause reliability impacts but only if the following conditions simultaneously occur: extreme Manitoba winter loads,

unusually high forced generation/transmission outages, and a simultaneous emergency in the northern MISO footprint. The additional hydro generation and the related 250 MW capacity transfer into the MISO Region will tend to increase north to south flows on the Manitoba-MISO interface. A 100 MW capacity transfer from Manitoba to Saskatchewan will tend to increase east to west flow on the Manitoba-Saskatchewan interface. Manitoba Hydro has coordination and tie-line agreements with neighboring assessment areas, such as MISO, SaskPower, and IESO. In accordance with these agreements, planning and operating related issues are discussed and coordinated through respective committees.

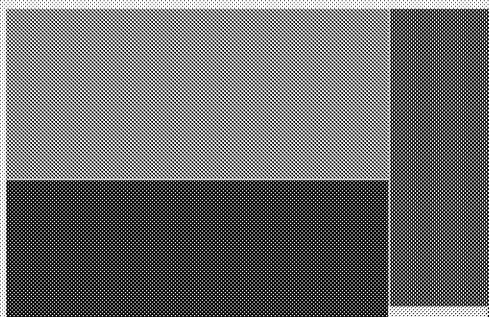
Transmission

There are several transmission projects projected to come on-line during the assessment period. Most of the projects are dictated by the need to expand the transmission system to reliably serve growing loads, transmit power to the export market, improve safety, improve import capability, increase efficiency, and connect new generation. The major system enhancement projects include the addition of the third bipolar HVdc transmission system to improve reliability, especially during extreme events; these are expected to come into service in 2018. Manitoba Hydro is expecting a new 500 kV interconnection from Dorsey to Iron Range (Duluth, Minnesota) to come into service in 2020. The high growth in the Eastern region is driving the addition of new transmission such as the 115 kV Pine Falls to Manigotagan line and the St. Vital to Letellier 230 kV line. No reliability impacts are anticipated as the localized growth is considered in the subregional transmission planning process. Some transmission projects have been delayed a few years due to lower than expected load growth in the local area. A temporary operating procedure will ensure sufficient generation is on-line in Brandon to support voltages at winter peak, which allows the Dorsey to Portage 230 kV line to be deferred.



MRO-SaskPower

Saskatchewan is a province of Canada and comprises a geographic area of 651,900 square kilometers (251,700 square miles) with approximately 1.1 million people. Peak demand is experienced in the winter. The Saskatchewan Power Corporation (SaskPower) is the Planning Coordinator and Reliability Coordinator for the province of Saskatchewan and is the principal supplier of electricity in the province. SaskPower is a provincial crown corporation and, under provincial legislation, is responsible for the reliability oversight of the Saskatchewan Bulk Electric System and its interconnections.

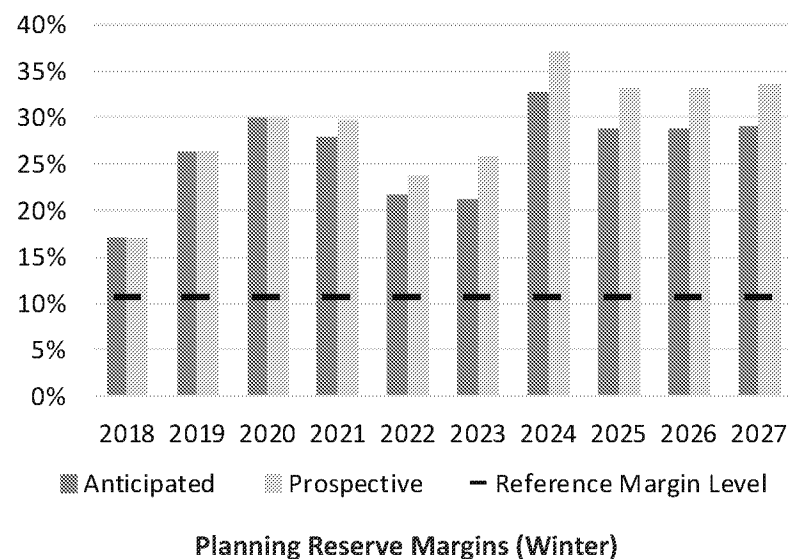


Highlights

- Anticipated Reserve Margins will remain above the Reference Margin Level (Installed Reserve Margin requirement) throughout the assessment period.
- Approximately 1,972 MW of additional renewable capacity is projected over the assessment period. The on-peak contribution from renewables is projected to increase from 21 percent in 2017 to 30 percent in 2027.
- A new 230 kV tie line with Manitoba Hydro is planned to facilitate a 100 MW firm capacity/energy.

Demand, Resources, and Reserve Margins										
Demand (MW)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Total Internal Demand	3,784	3,815	3,878	3,915	3,969	4,005	4,016	4,058	4,086	4,106
Demand Response	85	85	85	85	85	85	85	85	85	85
Net Internal Demand	3,699	3,730	3,793	3,830	3,884	3,920	3,931	3,973	4,001	4,021
Resources (MW)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Anticipated	4,329	4,705	4,930	4,892	4,726	4,751	5,211	5,112	5,152	5,186
Prospective	4,329	4,705	4,930	4,970	4,806	4,926	5,386	5,287	5,327	5,367
Reserve Margins (%)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Anticipated	17.02	26.13	29.97	27.73	21.68	21.20	32.56	28.67	28.77	28.98
Prospective	17.02	26.13	29.97	29.76	23.74	25.66	37.01	33.07	33.14	33.47
Reference Margin Level	11.00	11.00	11.00	11.00	11.00	11.00	11.00	11.00	11.00	11.00

Existing On-Peak Generation (Winter)		
Generation Type	Peak Season Capacity	
	MW	Percent
Biomass	3	0.1
Coal	1,531	35.8
Hydro	863	20.2
Natural Gas	1,836	42.9
Wind	45	1.1



Planning Reserve Margins

Saskatchewan has planned for adequate resources to meet anticipated load and reserve requirement throughout the assessment period. Based on the deterministic calculation made within this assessment, Saskatchewan's anticipated reserve margin ranges from approximately 17–32 percent and does not fall below the Reference Margin Level. The Reference Margin Level for Saskatchewan is 11 percent.

Demand

Saskatchewan has not identified any significant demand change localized to a specific portion of the assessment area for the assessment period.

Demand-Side Management

SaskPower's Demand Response program has contracts in place with customers for interruptible load based on defined demand response programs. The first of these programs provides a curtailable load, currently 85 MW, for use as emergency load shedding; it is available with a 12-minute event response time, allowing it to be considered as an emergency operating procedure (EOP) in the probabilistic model for resource adequacy studies. Other programs are in place that provide access to additional curtailable load with two-hour event response time for use when emergency conditions persist or when capacity is anticipated to be constrained but are not considered as EOPs in reliability planning.

Distributed Energy Resources (DERs)

The amount of load that is offset by distributed generation or behind-the-meter generation is reflected in the load forecast used for reliability assessments. It is not anticipated that Saskatchewan will encounter any significant operational impacts due to distributed generation or behind-the-meter generation. DERs are currently considered as reduction in the load forecast for reliability planning purposes. Saskatchewan is reviewing and analyzing the changing market of behind-the-meter solar photovoltaic (PV) installations and how it will integrate into the generation supply mix and affect the overall reliability of the system. Saskatchewan currently has no major concerns on DERs as they are a low percentage of overall system load.

Generation

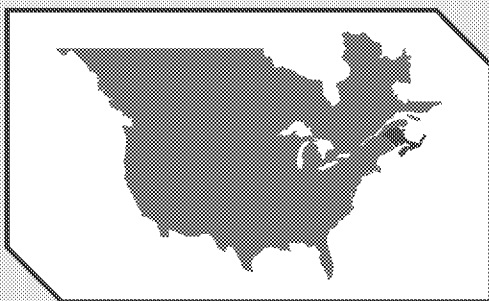
Saskatchewan projects additions of 2,672 MW (nameplate) capacity throughout the assessment period. This consists of 700 MW of natural gas, 1,607 MW of Wind, 100 MW of flare gas, 75 MW of biomass, 20 MW of geothermal, 120 MW of solar, and 50 MW of hydro capacity. Integration of solar into the generation model is still being reviewed and analyzed and is currently not considered to be available during on-peak demand. Although Saskatchewan does not have a provincial renewable portfolio standards (RPS) mandate, a 50 percent increase in renewable generation is projected by 2030 with the addition of 1,972 MW of renewable generation, which includes 100 MW of firm imports from neighboring jurisdictions. Saskatchewan has not identified any significant operational impacts due to the integration of variable resources during the assessment period. The addition of future variable resources may require the ability to curtail the resource or have additional fast-ramping capacity available from other resources to follow the intermittency of the variable resource. Projected unit retirements during the assessment period include approximately 180 MW of natural gas facilities, two-139 MW coal facilities, and an 11 MW wind facility.

Capacity Transfers

Saskatchewan has a contract in place for a firm 25 MW (until March 2022) and a firm 100 MW (starting Summer 2020 and throughout the assessment period) capacity transfers from Manitoba Hydro, including supply source and transmission. From a capacity and transmission reliability perspective, Saskatchewan has coordinated with Manitoba Hydro to ensure that the capacity transfer is correctly modelled in on-going operational and planning studies.

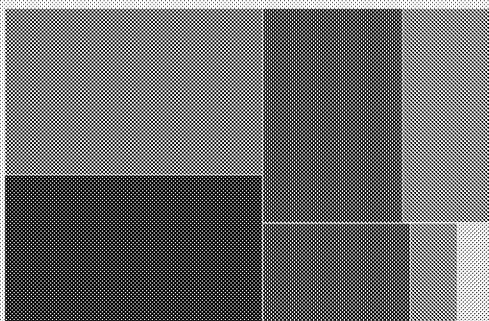
Transmission

Saskatchewan has several major transmission projects for reliability during the near-term planning horizon of the assessment period. These projects are dependent on load growth and reliability and involve the construction of approximately 752 km of new transmission line. The new transmission projects include building approximately 401 km of 230 kV and 201 km of 138 kV transmission line in the Southwest region and approximately 150 km of 230 kV transmission line in the Southeast region of Saskatchewan.



NPCC-Maritimes

The Maritimes assessment area is a winter-peak-ing NPCC subregion that contains two Balancing Authorities. It is comprised of the Canadian provinces of New Brunswick, Nova Scotia, and Prince Edward Island, and the northern portion of Maine, which is radially connected to the New Brunswick power system. The area covers 58,000 square miles with a total population of 1.9 million people.

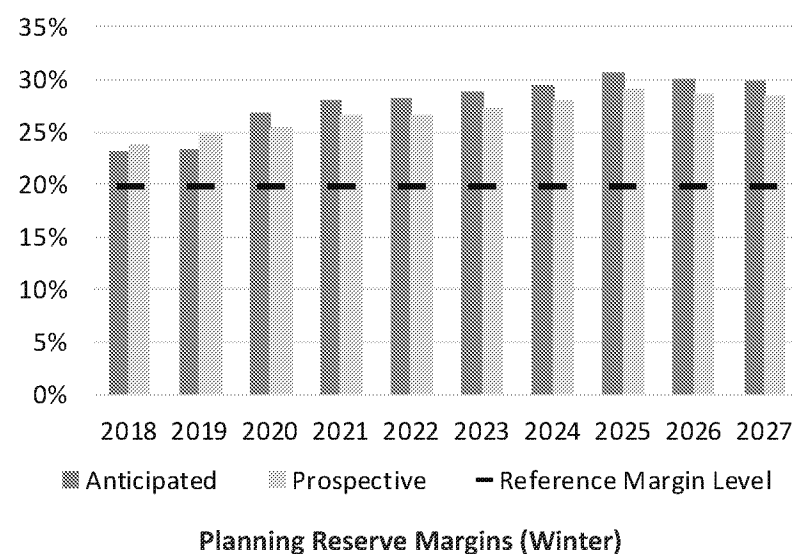


Highlights

- Demand growth is effectively negligible over the duration of the LTRA analysis period. Any growth in demand has been offset by load reductions from demand side management.
- An undersea HVDC undersea cable connection to the Canadian province of Newfoundland and Labrador will begin service in late 2017. This will allow for the mid-2020 retirement of a 153 MW coal-fired generator with an equivalent amount of firm hydro capacity imported through the cable.

Demand, Resources, and Reserve Margins										
Demand (MW)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Total Internal Demand	5,565	5,559	5,571	5,572	5,565	5,538	5,509	5,464	5,484	5,493
Demand Response	263	262	262	262	261	261	261	260	260	260
Net Internal Demand	5,302	5,297	5,309	5,311	5,304	5,277	5,248	5,203	5,224	5,233
Resources (MW)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Anticipated	6,528	6,535	6,729	6,796	6,794	6,794	6,794	6,794	6,792	6,792
Prospective	6,565	6,609	6,650	6,718	6,716	6,716	6,716	6,716	6,714	6,714
Reserve Margins (%)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Anticipated	23.12	23.37	26.73	27.98	28.11	28.75	29.46	30.57	30.02	29.79
Prospective	23.81	24.78	25.25	26.50	26.63	27.27	27.97	29.07	28.52	28.30
Reference Margin Level	20.00	20.00	20.00	20.00	20.00	20.00	20.00	20.00	20.00	20.00

Existing On-Peak Generation (Winter)		
Generation Type	Peak Season Capacity	
	MW	Percent
Biomass	209	3.1
Coal	1,700	25.1
Hydro	1,318	19.4
Natural Gas	850	12.5
Nuclear	660	9.7
Petroleum	1,888	27.8
Wind	160	2.4



Planning Reserve Margins

The Anticipated Reserve Margin does not fall below the Reference Margin Level of 20 percent during the 10-year assessment period.

Demand

The Maritimes Area peak loads are expected to increase by 3.2 percent during summer but decline by 1.1 percent during winter seasons over the 10-year assessment period. This translates to average growth rates of 0.3 percent in summer and -0.1 percent in winter. Rural to metropolitan population migration and the introduction of split phase heat pump technology to areas traditionally heated by fossil fuels has created load growth for the southeastern corner of the NB that has outpaced growth in the rest the Maritimes area in recent years. It is expected that these effects will level off in the future.

Demand-Side Management

Plans to develop up to 150 MW by 2026/2027 of controllable direct load control programs using smart grid technology to selectively interrupt space and/or water heater systems in residential and commercial facilities are underway but no specific annual demand and energy saving targets currently exist.¹ During the assessment period, annual amounts for summer peak demand reductions associated with energy efficiency programs rise from 7 MW to 92 MW while the annual amounts for winter peak demand reductions rise from 51 MW to 541 MW.²

Distributed Energy Resources (DERs)

The current amount of DERs in the New Brunswick subarea is insignificant (<5 MW). Should these amounts increase to significant levels, New Brunswick will consider adding DERs to its load forecasting and resource planning processes and give due consideration to ramping and/or light load issues. Nova Scotia projects 203 MW of directly metered³ installed distributed generation by 2020. Real-time data is not available for all these sites, which may present operational challenges once all projects are in-service. The situation will be monitored as these projects are phased-in and methods to increase their visibility will be investigated.

¹ The savings for these programs were included as energy efficiency and conservation on the LTRA Form A sheets and will be broken out once the program designs are better understood.

² Current and projected energy efficiency effects based on actual and forecasted customer adoption of various DSM programs with differing levels of impact are incorporated directly into the load forecast for each of the areas but are not separately itemized in the forecasts. Since controllable space and water heaters will be interrupted via smart meters, the savings attributed to these programs will be directly and immediately measurable.

³ Not netted against the load forecast.

Generation

Small amounts of new generation capacity are being installed to introduce alternative renewable energy resources into the capacity mix. Renewable Electricity Standards (RES) have led to the development of substantially more wind generation capacity than any other renewable generation type. In Nova Scotia, the (RES) target for 2017 calls for 25 percent of energy sales to be supplied from renewable resources. This target increases to 40 percent of energy sales from renewable resources in 2020. Currently the 25 percent target is being met primarily by wind generation, hydro, and biomass.⁴

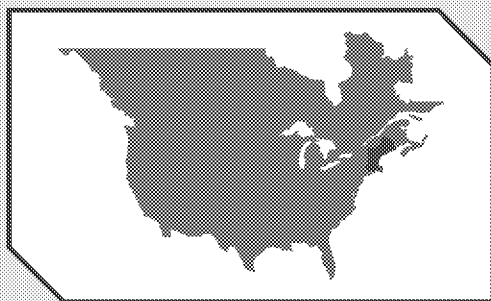
Capacity Transfers

Probabilistic studies show that the Maritimes area is not reliant on inter-area capacity transfers to meet NPCC resource adequacy criteria.

Transmission

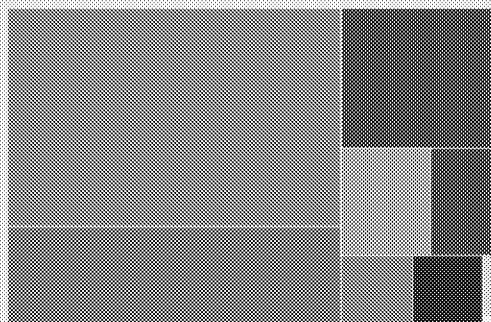
Installation of two undersea 138 kV cable connections, each with a capacity of 200 MVA and a length of 9 miles, was completed during the first week of July in 2017 and increases capacity and improves the ability to withstand transmission contingencies in the area between New Brunswick and Prince Edward Island. Associated with this project is the addition of a new 138 kV overhead line in New Brunswick to the new cable terminus during the fall of 2017 and on-island transmission reconfigurations that will also further increase capacity to the Island by October 2018. A 475 MW +/-200 kV high voltage direct current (HVDC) undersea cable link (Maritime Link) between Newfoundland and Labrador and NS will be installed by late 2017. This cable, in conjunction with the construction of the Muskrat Falls hydro development in Labrador, is expected to facilitate the unconfirmed retirement of a 153 MW coal-fired unit in Nova Scotia by mid-2020. The Maritime Link could also potentially provide a source for imports from Nova Scotia into New Brunswick that would reduce transmission loading in the southeastern New Brunswick area. In addition, during the fall of 2018, a second 345/138 kV transformer will be added in parallel with an existing transformer at the Keswick terminal in New Brunswick to mitigate the effects of transformer contingencies at the terminal.

⁴ The incremental renewable requirements of the 40 percent target will largely be met by the energy import from the Muskrat Falls hydro project in Newfoundland and Labrador.



NPCC-New England

ISO New England (ISO-NE) Inc. is a regional transmission organization that serves Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. It is responsible for the reliable day-to-day operation of New England's bulk power generation and transmission system and also administers the area's wholesale electricity markets and manages the comprehensive planning of the regional BPS. The New England regional electric power system serves approximately 14.5 million people over 68,000 square miles.

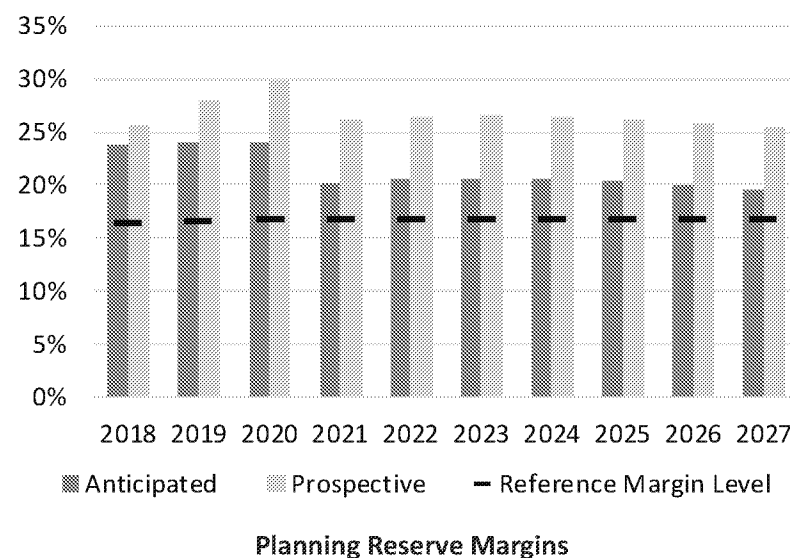


Highlights

- Ensuring adequate fuel availability for generators continues to be a priority, especially during winter seasons. This stems from the lack of firm natural gas supply and pipeline transportation contracts.
- Large-scale proliferation of inverter-based DERs presents challenges, requiring attention to interconnection standards and analysis of declining system inertia.
- Regional and state environmental regulations likely have a greater potential impact on generating units in the Region compared to federal environmental requirements.
- ISO-NE's summer peak and energy demand will decrease from 2018 to 2027, reflecting a CAGR of -0.03 percent.

Demand, Resources, and Reserve Margins										
Demand (MW)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Total Internal Demand	26,458	26,409	26,298	26,213	26,167	26,155	26,176	26,228	26,310	26,392
Demand Response	546	367	420	420	420	420	420	420	420	420
Net Internal Demand	25,912	26,042	25,878	25,793	25,747	25,735	25,756	25,808	25,890	25,972
Resources (MW)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Anticipated	32,061	32,271	32,044	30,986	31,003	31,018	31,029	31,035	31,040	31,039
Prospective	32,501	33,323	33,563	32,505	32,522	32,537	32,548	32,554	32,559	32,558
Reserve Margins (%)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Anticipated	23.73	23.92	23.83	20.13	20.41	20.53	20.47	20.25	19.89	19.51
Prospective	25.43	27.96	29.70	26.02	26.31	26.43	26.37	26.14	25.76	25.36
Reference Margin Level	16.60	16.70	16.90	16.90	16.90	16.90	16.90	16.90	16.90	16.90

Existing On-Peak Generation (Summer)		
Generation Type	Peak Season Capacity	
	MW	Percent
Biomass	940	3.3
Coal	917	3.2
Hydro	1,274	4.4
Natural Gas	13,530	47.1
Nuclear	4,001	13.9
Petroleum	6,148	21.4
Pumped Storage	1,786	6.2
Solar	20	0.1
Wind	139	0.5



Planning Reserve Margins

The Anticipated Reserve Margin does not fall below ISO New England's reference margin level during the assessment period.

Demand

The annual (summer) peak total internal demand (TID) and the net energy for load, which take into account energy efficiency and conservation as well as behind-the-meter photovoltaic resources, are forecasted to decrease from 2018 to 2027 by a compound annual growth rate (CAGR) of -0.03 percent, as compared to the 2016 LTRA projection of +0.21 percent. The primary reasons for the decrease in the Total Internal Demand forecast are updated historical demand data coupled with a lower economic growth forecast and an increase in the amount of forecasted energy efficiency and behind-the-meter photovoltaic (PV).

Demand-Side Management

Real-Time Demand Response (RTDR) is procured through ISO-NE's Forward Capacity Market (FCM). Currently, RTDR is activated with the implementation of ISO-NE Operating Procedure No. 4 – Action during a Capacity Deficiency (OP-4). Starting on June 1, 2018, RTDR will have to participate in the day-ahead and real-time energy markets and be subject to daily economic dispatch. RTDR is based on the capacity supply obligations (CSOs) obtained through the FCM three years in advance. The CSOs decrease from 546 MW in 2018 to 420 MW in 2020. Based on the FCM auction results, energy efficiency will grow to 2,893 MW by 2020, an increase of 587 MW from 2018.¹ Energy efficiency (EE) has generally been increasing over time and is projected to continue growing throughout the 10-year study period. The amount of EE is projected to increase to over 4,500 MW by 2027.

Distributed Energy Resources (DERs)

The total peak load reduction value of all PV in New England amounted to 831 MW in 2017 and is forecasted to grow to 1,311 MW by 2022 and to 1,475 MW by 2027. These summer peak load reduction values are calculated as percentage of ac nameplate.

Generation

Generating capacity that has been added since the 2016 LTRA consists of 340 MW of wind, 210 MW of solar, and 16.7 MW of battery storage. Approximately

2,700 MW of Tier 1 capacity is planned by 2019, consisting primarily of natural gas (2,600 MW). Tier 2 capacity additions include 950 MW of natural-gas-fired generation, 430 MW of wind, and 150 MW of solar. Recent retirements include Brayton Point Station, a 1,535 MW coal and oil/gas plant that retired on June 1, 2017. Confirmed retirements include a total of 677 MW Pilgrim Nuclear Power Station, planned for retirement by June 2019. The Pilgrim nuclear plant owners stated that the planned retirement is due to poor market conditions, reduced revenues, and increasing operational costs.

Capacity Transfers

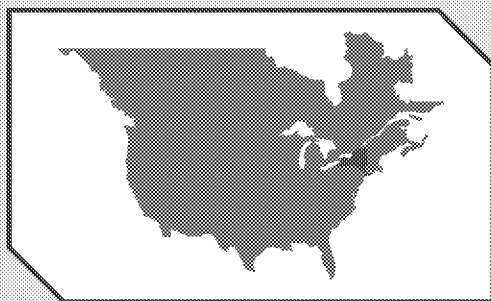
New England is interconnected with three Balancing Authorities of Quebec, the Maritimes, and New York. During the study period, New England assumes, on average, approximately 1,200 MW to 1,500 MW of imports every year from these neighboring systems. In addition, New England has mutual assistance agreements with the balancing authorities within the Northeast Power Coordinating Council to assist each other during capacity shortage conditions.

Transmission

The following projects planned and under-construction are needed to maintain reliability in New England:

- [Greater Boston project](#)
- [Southeastern Massachusetts/Rhode Island \(SEMA/RI\)](#)
- [Greater Hartford Central Connecticut \(GHCC\)](#)
- [Southwest Connecticut \(SWCT\)](#)
- [Maine Power Reliability Program \(MPRP\)](#)
- [New Hampshire and Vermont](#)
- [Pittsfield/Greenfield](#)

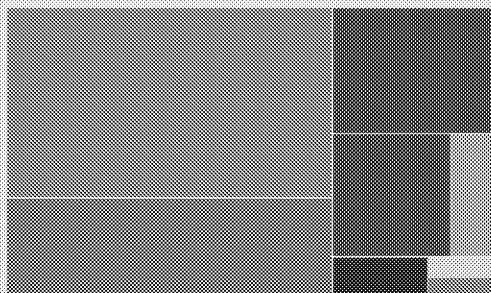
¹ For the years beyond the FCM commitment periods, ISO-NE uses an energy efficiency forecasting methodology that takes into account the potential impact of growing energy efficiency and conservation initiatives throughout the region.



NPCC-New York

The New York Independent System Operator (NYISO) is the only Balancing Authority (NYBA) within the state of New York. NYISO is a single-state ISO that was formed as the successor to the New York Power Pool—a consortium of the eight IOUs—in 1999. NYISO manages the New York State transmission grid that encompasses approximately 11,000 miles of transmission lines and over 47,000 square miles and serves the electric needs of 19.5 million people. New York experienced its all-time peak load of 33,956 MW in the summer of 2013.

¹ For the NPCC-New York assessment area, NYISO uses a probabilistic model with installed capacity and equivalent forced outage rates for all resources in order to identify resource requirements. The result of NYISO's analysis produces the Installed Reserve Margin (IRM), which is established by the New York State Reliability Council (NYSRC) for one "Capability Year" (May 1, 2017 through April 30, 2018). In order to conform with the NERC PC-approved assessment approach, wind, solar, and run-of-river hydro are required to be derated to their "expected on-peak" summer and winter values. The following derates have been applied, based on NYISO's Unforced Capacity (UCAP) values: wind (20 percent of nameplate), run-of-river hydro (55 percent of nameplate), and solar (50 percent of nameplate). NERC has applied the "default" 15 percent Reference Margin Level for the 10-year assessment period. Because the IRM is based on installed capacity values, it should not be used to evaluate reserve margins that take into account resource availability.

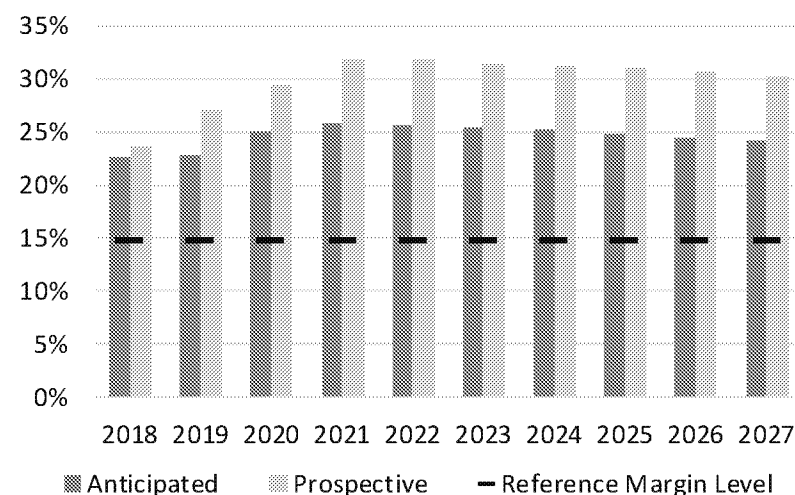


Highlights

- Two nuclear units have withdrawn prior notices of intent to retire. Regulators have announced an agreement to retire the Indian Point Energy Center Unit No. 2 and 3 (approximately 2,150 MW) through 2020–2021.
- To date, the NYISO has not received a completed generator deactivation notice from Entergy that will begin the generator deactivation process to determine if any reliability need will be created by the retirement and what, if any, solution would be required prior to the deactivation of the facility.

Demand, Resources, and Reserve Margins ¹										
Demand (MW)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Total Internal Demand	33,078	33,035	32,993	33,009	33,034	33,096	33,152	33,232	33,324	33,398
Demand Response	894	894	894	894	894	894	894	894	894	894
Net Internal Demand	32,184	32,141	32,099	32,115	32,140	32,202	32,258	32,338	32,430	32,504
Resources (MW)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Anticipated	39,438	39,457	40,110	40,349	40,349	40,349	40,349	40,349	40,349	40,349
Prospective	39,766	40,812	41,541	42,330	42,330	42,330	42,330	42,330	42,330	42,330
Reserve Margins (%)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Anticipated	22.54	22.76	24.95	25.64	25.54	25.30	25.08	24.77	24.42	24.13
Prospective	23.56	26.98	29.41	31.81	31.70	31.45	31.22	30.90	30.53	30.23
Reference Margin Level	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00

Existing On-Peak Generation (Summer)		
Generation Type	Peak Season Capacity	
	MW	Percent
Biomass	346	0.9
Coal	1,011	2.7
Hydro	3,819	10.3
Natural Gas	16,292	44
Nuclear	5,375	14.5
Petroleum	8,553	22.8
Pumped Storage	1,407	3.8
Solar	16	0.0
Wind	348	0.9



Planning Reserve Margins

Planning Reserve Margins

NPCC-New York's Anticipated Reserve Margin does not fall below the NERC Reference Margin Level of 15 percent during the assessment period. The New York State Reliability Council (NYSRC) conducts an annual Installed Reserve Margin study; this study determines the Installed Reserve Margin (IRM) of 18 percent for the capability year (May 1, 2017 through April 30, 2018). Because the assessment period for the 2017 LTRA is from the summer of 2018 through the winter of 2027/2028, NERC applied a 15 percent Reference Margin Level.

Demand

New York's peak load demand forecast is based upon an econometric forecast using normal weather with the impacts of energy efficiency, distributed energy resources, and behind-the-meter solar photovoltaic (PV) deducted from the econometric forecast. Based upon the 2017 load forecast over the next ten years, there is a slight decline in the annual energy growth rate while the summer peak demand has a slight increase in growth rate.

Demand-Side Management

New York accounts for demand response resources that participate in NYISO's reliability-based demand response programs built on the enrolled MW derated by historical performance. Demand response resources that only participate in NYISO's energy and ancillary services markets are not separately represented in planning analysis.

Distributed Energy Resources (DERs)

The NYISO published a report in January 2017 that provided a roadmap that will be used over the next 3 to 5 years as a framework to develop the market design elements, functional requirements, and tariff language necessary to implement the NYISO's vision to integrate DERs into NYISO's Energy, ancillary services, and capacity markets. Behind-the-meter solar PV is currently being addressed operationally in the day-ahead and real-time load forecasts with a solar forecasting system integrated with the day-ahead and real-time markets.

Generation

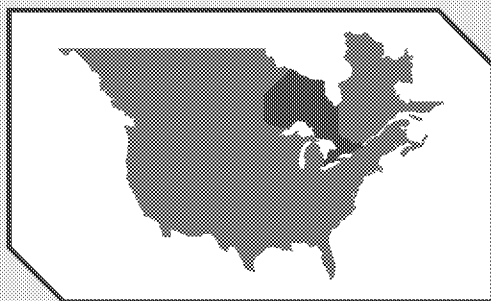
Two nuclear units (R.E. Ginna Nuclear Power plant (582 MW) and FitzPatrick Nuclear Power plant (859 MW)) were reported as proposed retirements in the 2016 LTRA. Since then, the FitzPatrick Nuclear Power plant has withdrawn its notice of intent to retire and the R.E. Ginna Nuclear Power plant has stated that it will continue to operate. Regulators have announced an agreement to retire the Indian Point Energy Center Unit No. 2 and 3 (approximately 2,150 MW) in 2020–2021. To date, the NYISO has not received a completed Generator Deactivation Notice from Entergy that will commence the Generator Deactivation Process to determine if any reliability need will be created by the retirement and what, if any, solution would be required prior to the deactivation of the facility. Also, 750 MW of new generation is planned to enter into service in 2018 with another 250 MW of market-based generation additions in various planning stages. A 106 MW generating facility has returned to service after completing a coal to natural gas conversion.

Capacity Transfers

New York is not reliant on inter-area capacity transfers to meet NPCC resource adequacy criteria. There are, however, four controllable tie lines connecting New York to ISO-NE and the PJM RTO. The owners of these lines have unforced capacity deliverability rights (UDR) to deliver up to 1,965 MW of capacity to New York. Each year on August 1, the owners elect and notify New York of the quantity of capacity that will be delivered to New York for the following capability year commencing on May 1. These quantities will be accounted for in the reliability studies that determine New York's Installed Reserve Margin.

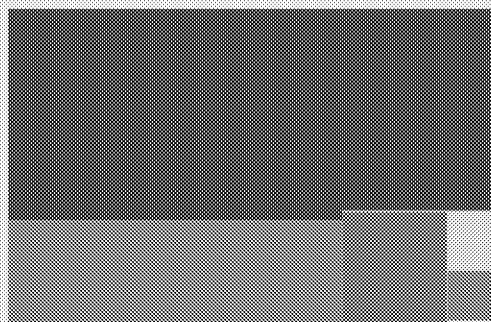
Transmission

The NYISO's 2016 Reliability Needs Assessment identified thermal violations under N-1-1 post-contingency conditions (applying more stringent NPCC criteria) in the Buffalo, Binghamton, Rochester, and Syracuse areas. The NYISO's 2016 Comprehensive Reliability Plan stated that these violations would be resolved with permanent solutions identified in the most recent Transmission Owner local transmission plans. In the Buffalo area, the solution was placed in-service before the end of 2016. The solution in the Binghamton area is scheduled to be completed by the end of 2021. The solution in the Rochester area is scheduled to be completed by Summer 2019. The solutions in the Syracuse area are scheduled to be completed by Summer 2018. In the interim, the local Transmission Owners will implement local operating procedures, if required, to prevent overloads, including the potential for limited load shedding.



NPCC-Ontario

The Independent Electricity System Operator (IESO) is the Balancing Authority for the province of Ontario. The province of Ontario covers more than 1 million square kilometers (415,000 square miles) and has a population of more than 13 million people. Ontario is interconnected electrically with Québec, MRO-Manitoba, states in MISO (Minnesota and Michigan), and NPCC-New York.

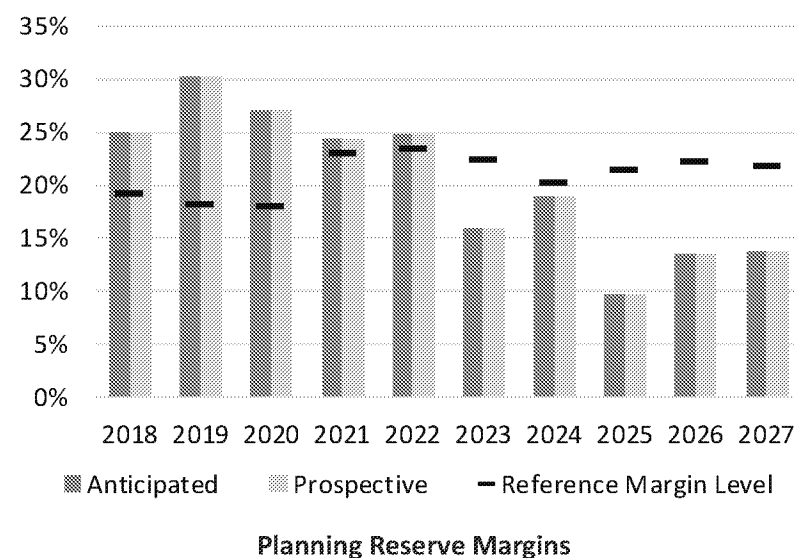


Highlights

- Ontario is expecting substantial resource turnover that is driven by nuclear retirements and refurbishments.
- Existing programs and additional Market Renewal initiatives, particularly an incremental capacity auction, will address capacity needs in the later part of the LTRA horizon.
- Increasing variable generation, integration of distributed energy resources (DERs), and changing demand and supply patterns are creating and will continue to create new operating challenges in managing the bulk power system. The IESO is working with stakeholders to develop cost-effective solutions to address these challenges, such as expanding the regulation market and increasing flexibility within the energy market.

Demand, Resources, and Reserve Margins										
Demand (MW)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Total Internal Demand	22,381	22,295	22,209	22,101	22,016	22,058	22,177	22,229	22,214	22,185
Demand Response	771	847	847	847	847	847	847	847	847	847
Net Internal Demand	21,610	21,448	21,362	21,253	21,169	21,211	21,330	21,382	21,367	21,338
Resources (MW)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Anticipated	26,980	27,901	27,132	26,404	26,404	24,576	25,382	23,428	24,255	24,255
Prospective	26,980	27,901	27,132	26,404	26,404	24,576	25,382	23,428	24,255	24,255
Reserve Margins (%)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Anticipated	24.85	30.09	27.01	24.23	24.73	15.87	19.00	9.57	13.52	13.67
Prospective	24.85	30.09	27.01	24.23	24.73	15.87	19.00	9.57	13.52	13.67
Reference Margin Level	19.45	18.37	18.17	23.19	23.72	22.67	20.40	21.66	22.32	22.03

Existing On-Peak Generation (Summer)		
Generation Type	Peak Season Capacity	
	MW	Percent
Biomass	446	1.6
Hydro	5,671	20.2
Natural Gas	6,361	22.6
Nuclear	12,939	46
Petroleum	2,162	7.7
Solar	38	0.1
Wind	523	1.9



Planning Reserve Margins

The Anticipated Reserve Margins fall below the Reference Margin level in the mid-2020s. Ontario possesses a range of options to address these capacity needs, including outage rescheduling, more conservation and demand response, and the development of a capacity auction in Ontario.

Demand

Growth in demand is subtle and driven by population growth, economic expansion, and increased penetration of electric devices. Offsetting that growth are reductions from conservation and increased output from embedded generation. The net effect of these competing factors is a reduction of seasonal peaks.

Demand-Side Management

Ontario has four main demand response (DR) programs: dispatchable loads (DL), a residential DR program (called Peaksaver), capacity-based demand response (CBDR), and the capacity procured through an annual DR Auction. Over the planning horizon, CBDR and Peaksaver are being phased out and all DR aside from DL is expected to be procured through the DR auction.

Distributed Energy Resources (DERs)

Previous years saw an increasing amount of generation embedded within the province's distribution system. Supply from distributed energy resources (e.g., solar, wind, waterpower, bioenergy or combined heat and power facilities) and demand response resources were negligible in 2005. By January 2017, DERs had grown to approximately 3,000 MW of installed supply. As a result of this increase, the IESO has seen periods where DERs had significant offsetting impacts on Ontario demand. Having visibility of these resources is necessary for improving short-term demand forecasting and supporting reliable grid operation. As such, the IESO is working to increase coordination between the grid operator and distributed resources directly or through integrated operations with local distribution companies with the aim to improve visibility of the distribution system.

Generation

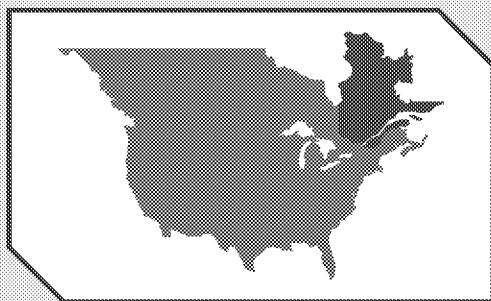
Retirements of two nuclear generating stations (total capacity of approximately 3,000 MW) are expected by 2025. Nuclear refurbishments at three other stations will reduce the generation capacity available over peak seasons. Ontario expects to add about 2,400 MW of new resources to the grid over the next 10 years. The new resources are expected to comprise of about 1,150 MW of wind, 980 MW of natural-gas-fired generation, 130 MW of hydroelectric, and 140 MW of solar. Deviations from the centralized variable generation forecast is highlighting the need for additional regulation and flexible resources capable of responding to dispatch signals to increase their output within 30 minutes. Near-term solutions include getting more flexibility from existing resources and/or enhancing current market mechanisms. An enduring solution for flexibility will be investigated concurrently by the related stakeholder engagement and the IESO's Market Renewal initiative. IESO is procuring more regulation through an RFP.

Capacity Transfers

As part of the electricity trade agreement between Ontario and Quebec, Ontario will supply 500 MW of capacity to Quebec each winter from December to March until 2023.

Transmission

The purpose of the IESO's bulk transmission planning is to ensure that there is sufficient transfer capability across the major transmission interfaces in Ontario to reliably supply demand under a wide range of system conditions and to allow for the efficient operation of the IESO markets. Increased DERs and conservation over the last few years has reduced net demand and the amount of resources on-line that are providing dynamic VARs, which has changed the way the IESO carries out bulk planning. The purpose of the IESO's regional planning is to ensure that there continues to be a reliable supply of power to the local distribution companies that are connected to the IESO-controlled grid and to the transmission-connected customers. When developing regional plans, transmission options for addressing a reliability need are compared to local options such as conservation, DERs, and local generation. The lowest cost option that meets the local reliability need is typically recommended.



NPCC-Québec

The Québec assessment area (Province of Québec) is a winter-peaking NPCC sub region that covers 595,391 square miles with a population of eight million. Québec is one of the four NERC interconnections in North America with ties to Ontario, New York, New England, and the Maritimes. These ties consist of either HVDC ties, radial generation, or load to and from neighboring systems.

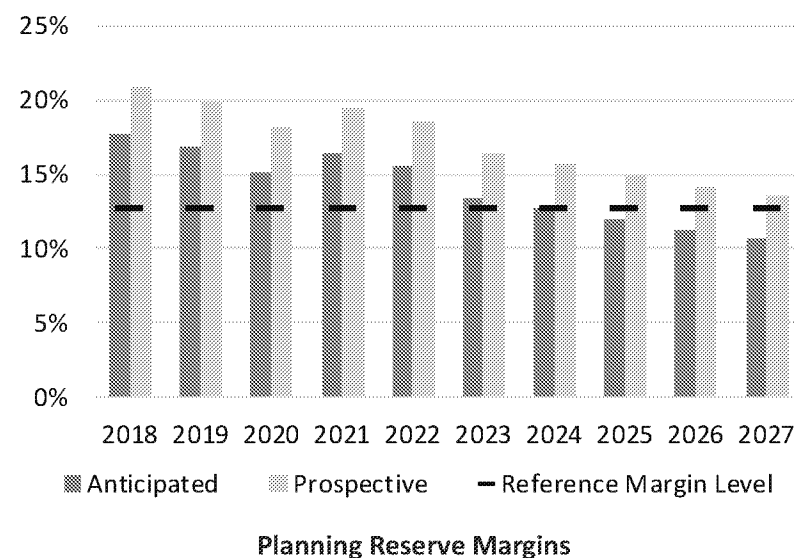
¹ Values reported do not reflect an updated internal load forecast for the Québec Area to be filed with the Québec Energy Board in the first *Progress Report of the Hydro-Québec Distribution 2017-2026 Supply Plan*.

Highlights

- Approximately 1,240 MW of capacity additions (including 712 MW from hydro) are expected over the assessment period.
- A total of 500 MW of firm import capacity are now available each winter until March 2023 due to a new electricity trade agreement between Québec and Ontario.
- Planning studies showed a need to reinforce the transmission system to meet Reliability standards, so the Chamouchouane to Montréal 735-kV Line is under construction to address those needs.

Demand, Resources, and Reserve Margins ¹										
Demand (MW)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Total Internal Demand	38,184	38,414	38,744	39,113	39,379	39,640	39,874	40,088	40,287	40,477
Demand Response	2,248	2,273	2,298	2,298	2,298	2,298	2,298	2,298	2,298	2,298
Net Internal Demand	35,936	36,141	36,446	36,815	37,081	37,342	37,576	37,790	37,989	38,179
Resources (MW)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Anticipated	42,299	42,210	41,942	42,838	42,838	42,338	42,338	42,322	42,258	42,258
Prospective	43,399	43,310	43,042	43,938	43,938	43,438	43,438	43,422	43,358	43,358
Reserve Margins (%)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Anticipated	17.71	16.79	15.08	16.36	15.53	13.38	12.67	11.99	11.24	10.68
Prospective	20.77	19.83	18.10	19.35	18.49	16.32	15.60	14.90	14.13	13.56
Reference Margin Level	12.90	12.90	12.90	12.90	12.90	12.90	12.90	12.90	12.90	12.90

Existing On-Peak Generation (Winter)		
Generation Type	Peak Season Capacity	
	MW	Percent
Biomass	343	0.8
Hydro	39,957	95.4
Petroleum	436	1.0
Wind	1,146	2.7



Planning Reserve Margins

The Anticipated Reserve Margin is below the Reference Margin Level for the last four winter seasons of the assessment period. Under this scenario, Québec has no firm imports and purchases from neighboring areas would be needed to maintain the Reference Margin Level. The Prospective Reserve Margin remains above the Reference Margin Level for all seasons and years during the assessment period. Under the Prospective Scenario, a total of 1,100 MW of expected capacity imports are planned by the Québec area. These purchases have not yet been backed by firm long-term contracts. However, on a yearly basis, the Québec area proceeds with short-term capacity purchases (UCAP) in order to meet its capacity requirements if needed.

Demand

The requirements are obtained by adding transmission and distribution losses to the sales forecasts. The monthly peak demand is then calculated by applying load factors to each end-use and/or sector sale. The sum of these monthly end-use/sector peak demands is the total monthly peak demand. The Québec area demand forecast average annual growth is 0.7 percent during the 10-year period, similar to last year's forecast.

Demand-Side Management

The Québec area has various types of demand response resources specifically designed for peak shaving during winter operating periods. The first type of demand response resource is the interruptible load program, mainly designed for large industrial customers, with an impact of 1,748 MW during the peak. The second type of demand response resource consists of a voltage reduction scheme with 250 MW of demand reduction at peak. The area is also developing some additional programs, including direct control load management. A recent program, consisting of mostly interruptible charges in commercial buildings, has substantial impacts with 250 MW in 2017–2018 and up to 300 MW by 2020–2021. Energy Efficiency will continue to grow over the entire assessment period and will be integrated in the demand forecasts, accounting for an average annual impact of 130 MW (at winter peak) over the assessment period.

Distributed Energy Resources (DERs)

Behind-the-meter generation (including solar photovoltaic) is negligible (less than 1 MW) and is accounted for in the load forecast.

Generation

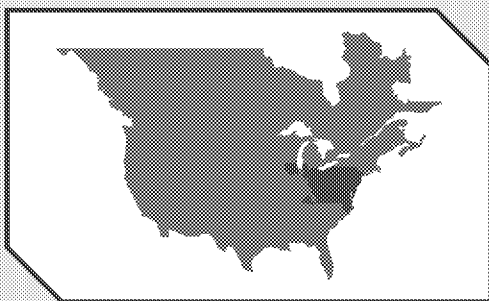
Work is under way on the La Romaine-3 (395 MW) development, which will be fully operational in 2017. Work has also begun on the La Romaine-4 (245 MW) development, which will be fully operational in 2020. The retrofitting of some hydro units should add 12 MW of capacity and the integration of small hydro units also accounts for 60 MW of new capacity during the assessment period. For other renewable resources, about 250 MW of wind capacity have been added to the system since the beginning of 2016, and an additional 414 MW of wind capacity and 110 MW of biomass are expected to be in-service by 2019.

Capacity Transfers

Since 2011, the Québec power transmission system has undergone significant changes: reduced consumption in the Côte-Nord area and decommissioning thermal and nuclear generating stations. These changes have brought about an increase to the power flow on the lines of the Manic-Québec corridor toward the major load centers and decreased the reliability of the transmission system. Hydro-Québec is thus required to take steps in order to restore adequate transmission capacity to the corridor and maintain system reliability. After considering a number of scenarios, Hydro-Québec believes that the best solution is to build a new 735-kV line extending some 250 km (155 miles) between Micoua substation in the Côte-Nord region and Saguenay substation in Saguenay-Lac-Saint-Jean; the project also includes adding equipment to both substations and expanding Saguenay substation. Commissioning of the new equipment is planned in 2022.

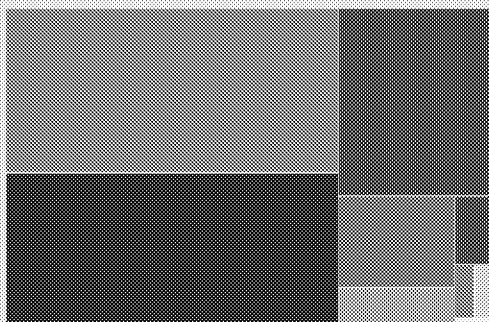
Transmission

Construction the Romaine River Hydro Complex project is presently underway. Romaine-3 (395 MW) will be integrated in 2017 and Romaine-4 (245 MW) in 2020, both at the Montagnais 735/315-kV substation. The Chamouchouane to Montréal 735-kV Line is under construction and addresses concerns from planning studies that show a need to reinforce the transmission system to meet Reliability Standards. It is scheduled to be in-service before the 2018–2019 winter.



PJM

PJM Interconnection is a regional transmission organization (RTO) that coordinates the movement of wholesale electricity in all or parts of Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and the District of Columbia. PJM serves 61 million people and covers 243,417 square miles. PJM is a Balancing Authority, Planning Coordinator, Transmission Planner, Resource Planner, Interchange Authority, Transmission Operator, Transmission Service Provider, and Reliability Coordinator.

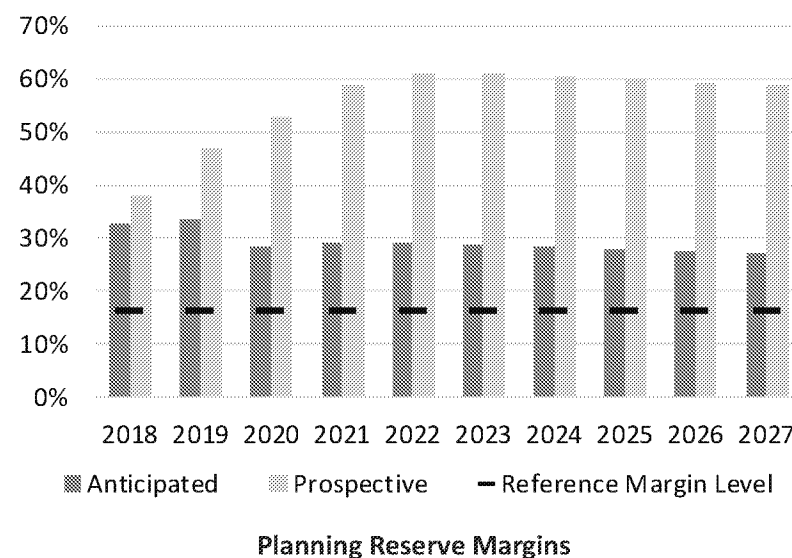


Highlights

- Anticipated Reserve Margins will remain above the Reference Margin Level (Installed Reserve Margin requirement) throughout the assessment period.
- Demand continues to flatten as load efficiency increases and more rooftop solar installations are added.
- PJM continues to manage an unprecedented generating capacity fuel shift from coal to natural gas.

Demand, Resources, and Reserve Margins										
Demand (MW)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Total Internal Demand	153,951	154,278	153,684	153,384	153,425	153,722	154,142	154,572	155,148	155,773
Demand Response	9,187	9,204	6,177	6,169	6,169	6,174	6,187	6,204	6,224	6,237
Net Internal Demand	144,764	145,074	147,507	147,215	147,256	147,548	147,955	148,368	148,924	149,536
Resources (MW)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Anticipated	191,765	193,572	188,818	189,741	189,741	189,741	189,741	189,741	189,741	189,741
Prospective	199,773	212,834	224,970	233,356	236,601	237,105	237,105	237,105	237,105	237,105
Reserve Margins (%)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Anticipated	32.47	33.43	28.01	28.89	28.85	28.60	28.24	27.89	27.41	26.89
Prospective	38.00	46.71	52.51	58.51	60.67	60.70	60.25	59.81	59.21	58.56
Reference Margin Level	16.70	16.60	16.60	16.60	16.60	16.60	16.60	16.60	16.60	16.60

Existing On-Peak Generation (Summer)		
Generation Type	Peak Season Capacity	
	MW	Percent
Biomass	1,234	0.7
Coal	59,311	32.9
Hydro	3,141	1.7
Natural Gas	63,629	35.3
Nuclear	33,992	18.8
Petroleum	12,352	6.8
Pumped Storage	5,233	2.9
Solar	366	0.2
Wind	1,213	0.7



Planning Reserve Margins

The Installed Reserve Margin (applied as the Reference Margin Level) for the delivery year beginning on June 1, 2018, is 16.7 percent and drops to 16.6 percent for the 2019 delivery year and beyond.

Demand

The PJM Interconnection produces an independent peak load demand forecast by using econometric regression models with daily load as the dependent variable and independent variables, including calendar effects, weather, economics, and end-use characteristics. Daily unrestricted peak load is defined as metered load plus estimated load drops and estimated distributed solar generation. No reliability problems are anticipated due to the overall 0.2 percent summer load growth.

Demand-Side Management

Demand-side management providers have the ability to participate in the PJM Reliability Pricing Model (RPM) Auctions up to three years in advance of the Delivery Year (PJM delivery year (DY) is June–May). DSM Providers may register demand response locations in DRHUB to meet their RPM commitments starting January of the year in which the new DY starts. For the DY 2016/2017, DSM Providers offering demand response resources into RPM have an overall RPM commitment of 8,336 MW of load reductions. Demand response registrations participating in the capacity market are to respond according to real-time emergency procedures if called upon.

Distributed Energy Resources (DERs)

Recognizing the growing market of solar installations, PJM began to investigate and develop a plan in early 2015 to incorporate distributed solar generation into the long-term load forecast. Environmental Information Services (EIS), a wholly owned subsidiary of PJM Technologies, Inc., which is a subsidiary of PJM Interconnection, operates the Generation Attribute Tracking System (GATS). The generation data that GATS collects includes distributed solar generation that is behind-the-meter. Utilizing this collection of data, PJM estimates the amount of distributed solar generation in terms of direct current nameplate capacity. In the last five years, there has been over a 1,000 percent increase of installations in the PJM Region, and the number of installations is expected to continue to grow with a nameplate value of over 11,700 MW in 2027.

Generation

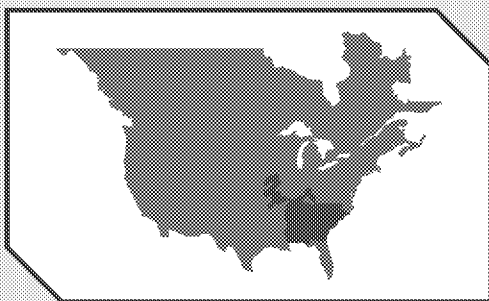
PJM's RTEP process continues to manage an unprecedented capacity shift driven by federal and state public policy and broader fuel economics: new generating plants powered by Marcellus and Utica shale natural gas, new wind and solar units driven by federal and state renewable incentives, generating plant deactivations, and market impacts introduced by demand resources and energy efficiency programs. Natural-gas-fired generation capacity now exceeds coal in PJM. Natural gas plants total over 65,600 MW and comprise 86 percent of the generation currently seeking capacity interconnection rights in PJM's new generation queue. As for coal, if formally submitted deactivation plans materialize, more than 25,000 MW of coal-fired generation will have deactivated between 2011 and 2020. The economic impacts of environmental public policy coupled with the age of these plants make ongoing operation prohibitively expensive. To offset lower solar generation during winter peak periods, PJM will allow higher (if historically proven) wind capacity factors.

Capacity Transfers

PJM does not rely on significant transfers to meet resource adequacy requirements. Maximum transfer into PJM would amount to less than two percent of PJM's internal generation capability. At no time within this assessment period do PJM's anticipated transfers amount to anywhere near two percent.

Transmission

PJM's Regional Transmission Expansion Plan (RTEP) process identifies transmission system additions and improvements needed to serve more than 65 million people throughout 13 states and the District of Columbia. Doing so gives PJM the ability to identify one optimal, comprehensive set of solutions to resolve reliability criteria violations, operational performance issues, and congestion constraints. Specific system enhancements are justified to meet local reliability requirements and deliver needed power to more distant load centers. Once the PJM Board approves the recommended system enhancements, new facilities, and upgrades to existing ones, they formally become part of PJM's overall RTEP.



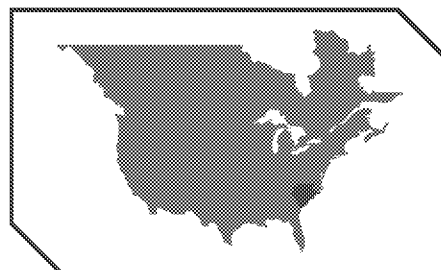
SERC

SERC is a summer-peaking assessment area that covers approximately 308,900 square miles and serves a population estimated at 39.4 million. SERC is divided into three assessment areas: SERC-E, SERC-N, and SERC-SE. The SERC Region includes 11 Balancing Authorities: Alcoa Power Generating, Inc.—Yadkin Division (Yadkin), Associated Electric Cooperative, Inc. (AECI), Duke Energy Carolinas and Duke Energy Progress (Duke), Electric Energy, Inc. (EEI), LG&E and KU Services Company (as agent for Louisville Gas and Electric (LG&E) and Kentucky Utilities (KU)), PowerSouth Energy Cooperative (PowerSouth), South Carolina Electric & Gas Company (SCE&G), South Carolina Public Service Authority (Santee Cooper, SCPSA), Southern Company Services, Inc. (Southern), and Tennessee Valley Authority (TVA).

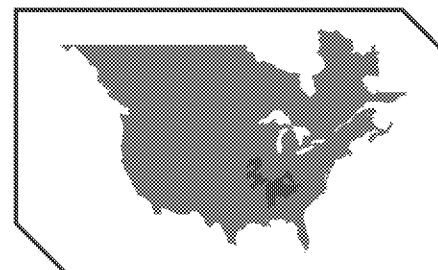
Highlights

- The canceled expansion of the V.C. Summer nuclear plant (approximately 2,200 MW) in SERC-E result in both Anticipated and Prospective Reserve Margins falling below the Reference Margin Level in 2020 and declining for the remainder of the assessment period.
- Studies are underway to address some entities in SERC experiencing effects from utility-scale and distributed solar.
- SERC is working to increase the reporting accuracy of distributed energy resources by addressing reporting gaps stemming from NERC's 80 MW threshold registration requirements for Generator Owners.

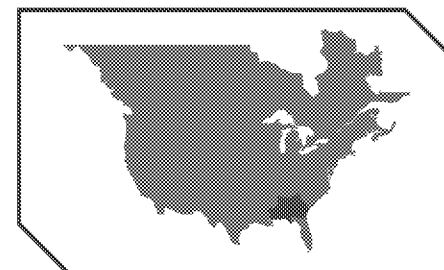
Starting on the next page are summaries of the assessment areas that make up SERC.



SERC-E

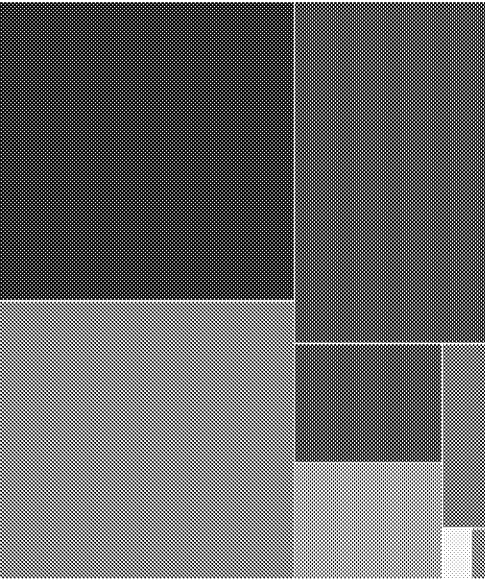


SERC-N

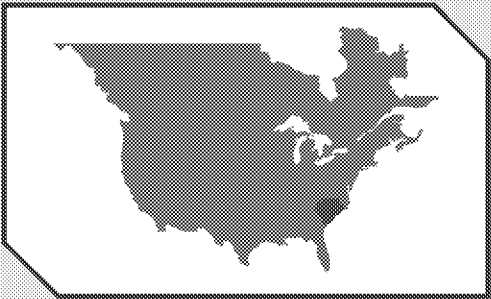
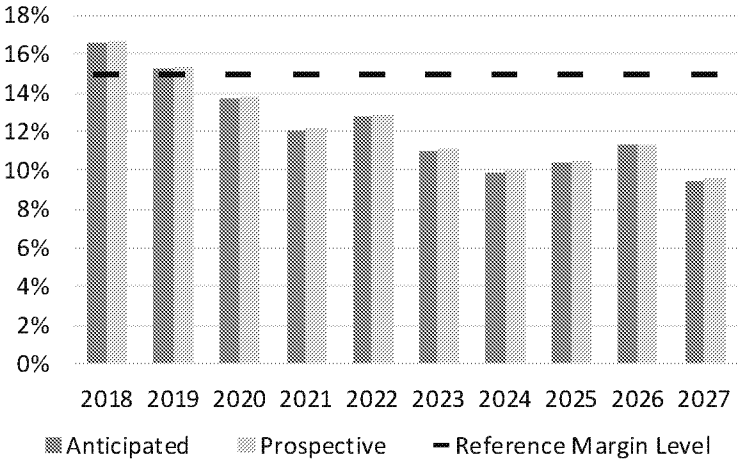


SERC-SE

SERC-E Demand, Resources, and Reserve Margins										
Demand (MW)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Total Internal Demand	44,967	45,467	46,071	46,827	47,444	48,145	48,847	49,669	50,316	50,966
Demand Response	1,387	1,418	1,445	1,461	1,469	1,471	1,473	1,475	1,479	1,481
Net Internal Demand	43,580	44,049	44,626	45,366	45,975	46,674	47,374	48,194	48,837	49,485
Resources (MW)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Anticipated	50,782	50,752	50,728	50,805	51,844	51,811	52,015	53,166	54,319	54,143
Prospective	50,824	50,794	50,770	50,847	51,886	51,853	52,057	53,208	54,361	54,185
Reserve Margins (%)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Anticipated	16.53	15.22	13.67	11.99	12.76	11.01	9.80	10.32	11.23	9.41
Prospective	16.62	15.31	13.77	12.08	12.86	11.10	9.89	10.40	11.31	9.50
Reference Margin Level	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00

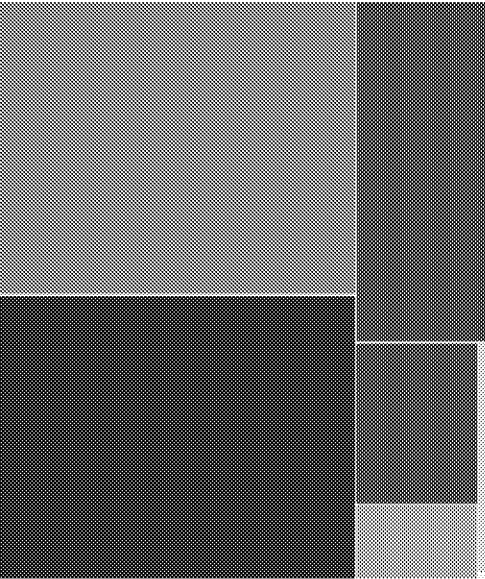


SERC E Existing On-Peak Generation (Summer)			
Generation Type	Peak Season Capacity		
	MW	Percent	
Biomass	135	0.3	
Coal	15,794	31.5	
Hydro	3,137	6.3	
Natural Gas	14,650	29.2	
Nuclear	11,690	23.3	
Petroleum	1,459	2.9	
Pumped Storage	3,044	6.1	
Solar	266	0.5	

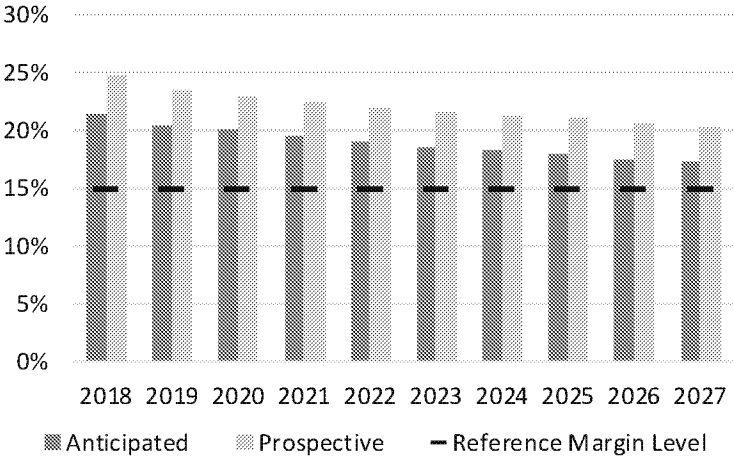


SERC-E

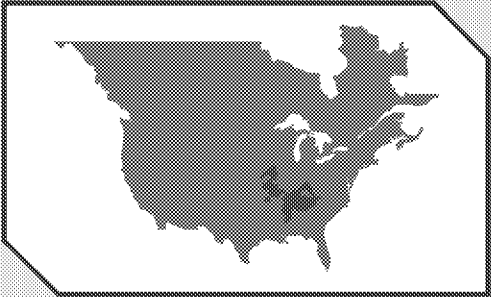
SERC-N Demand, Resources, and Reserve Margins										
Demand (MW)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Total Internal Demand	42,208	42,861	42,992	43,055	43,152	43,259	43,301	43,381	43,571	43,673
Demand Response	1,719	1,728	1,728	1,609	1,537	1,480	1,444	1,441	1,441	1,441
Net Internal Demand	40,489	41,133	41,264	41,446	41,615	41,779	41,857	41,940	42,130	42,232
Resources (MW)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Anticipated	49,172	49,488	49,488	49,488	49,488	49,488	49,488	49,488	49,488	49,488
Prospective	50,432	50,748	50,748	50,748	50,748	50,748	50,748	50,748	50,748	50,748
Reserve Margins (%)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Anticipated	21.45	20.31	19.93	19.40	18.92	18.45	18.23	18.00	17.47	17.18
Prospective	24.56	23.38	22.98	22.44	21.95	21.47	21.24	21.00	20.46	20.17
Reference Margin Level	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00



SERC-N Existing On-Peak Generation (Summer)			
Generation Type	Peak Season Capacity		
	MW	Percent	
Coal	18,150	36.2	
Hydro	3,522	7.0	
Natural Gas	18,800	37.5	
Nuclear	7,912	15.8	
Pumped Storage	1,616	3.2	
Solar	8	0.0	
Wind	67	0.1	

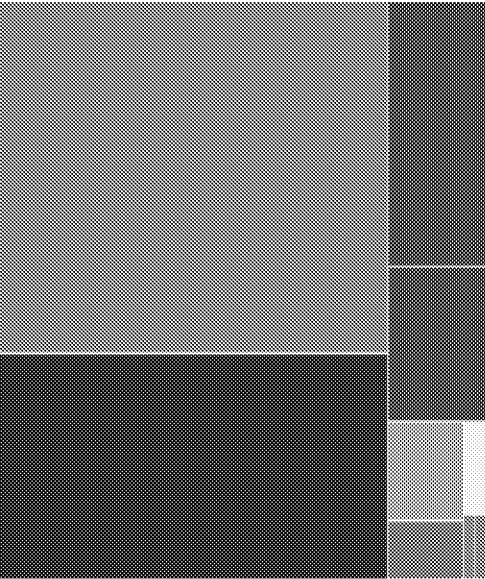


SERC-N Planning Reserve Margins

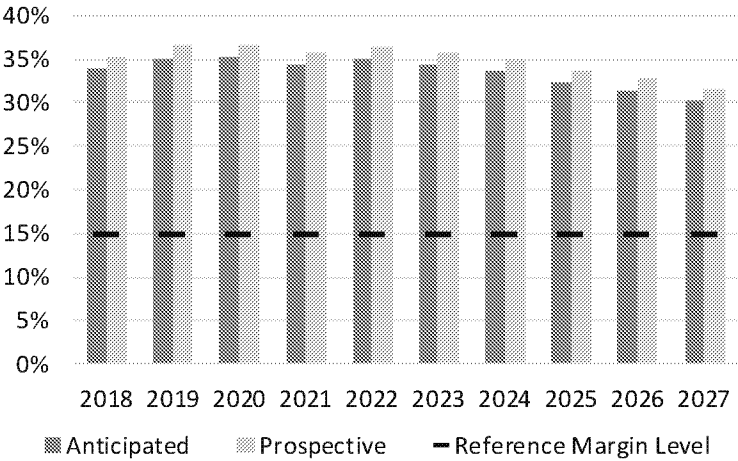


SERC-N

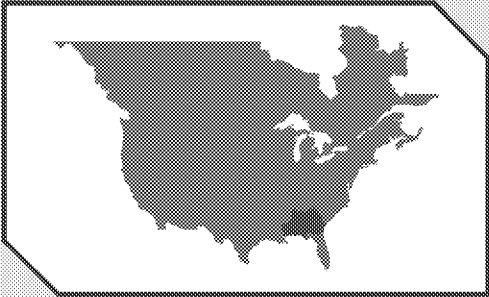
SERC-SE Demand, Resources, and Reserve Margins										
Demand (MW)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Total Internal Demand	46,453	46,801	47,505	47,843	48,188	48,545	48,789	49,269	49,720	50,232
Demand Response	2,171	2,172	2,172	2,172	2,174	2,174	2,174	2,174	2,176	2,176
Net Internal Demand	44,282	44,629	45,333	45,671	46,014	46,371	46,615	47,095	47,544	48,056
Resources (MW)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Anticipated	59,213	60,243	61,269	61,300	62,073	62,209	62,231	62,255	62,425	62,537
Prospective	59,861	60,891	61,917	61,948	62,721	62,857	62,879	62,903	63,073	63,185
Reserve Margins (%)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Anticipated	33.72	34.99	35.15	34.22	34.90	34.16	33.50	32.19	31.30	30.13
Prospective	35.18	36.44	36.58	35.64	36.31	35.55	34.89	33.57	32.66	31.48
Reference Margin Level	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00



SERC-SE Existing On-Peak Generation (Summer)			
Generation Type	Peak Season Capacity		
	MW	Perent	
Biomass	154	0.2	
Coal	18,979	30.8	
Hydro	3,288	5.3	
Natural Gas	30,263	49.1	
Nuclear	5,818	9.4	
Other	153	0.2	
Petroleum	961	1.6	
Pumped Storage	1,632	2.6	
Solar	444	0.7	



SERC-SE Planning Reserve Margins



SERC-SE

Planning Reserve Margins—SERC

SERC-E: Members ensure that reserve margins are maintained through use of their own generation and firm-purchased power contracts. Members maintain reserves adequate to cover unexpected events, such as adverse weather conditions, unexpected demand, or an unplanned loss of generation or transmission facilities.

SERC-N: All entities within the SERC-N Region have a sufficient amount of anticipated Reserve Margin levels that do not drop below the Reference Margin Level.

SERC-SE: Current projections for the SERC-SE assessment area show reserve margins in excess of 15 percent throughout the long-term planning horizon.

Demand—SERC

The total internal demand projections are based on average historical weather and are the sum of noncoincident forecast data reported by utilities during respective peak seasons. The entities incorporate the projected EE into the demand forecast and reflect it in the reserve margin projections. The entities also adjust assumptions for both normal weather and current economic conditions for both the U.S. and regional economies. Utilities constantly monitor for transitions in the economy to determine if they need to revise near-term hourly forecast models or adjust the long-term models. The forecasted compound annual growth rate for peak demand in SERC

Demand-Side Management—SERC

The SERC Region has demand response programs that utilize different variations of demand response (DR). The categories of the different variations are as follows: summer load control, reserve preservation, or 5-minute, 60-minute, instantaneous response. During the year, testing of load control programs is performed for operational functionality in addition to load profile analysis to determine performance and verification of demand reduction implementation.

SERC E members have existing portfolios of DR and EE offerings for both residential and nonresidential customers, most of which provide resources during both summer and winter peak periods. The growth of existing programs and introduction of new programs shift to accommodate the needs of the season. For example, as SERC E moves from summer peaking to winter peaking, the focus will shift to maximizing winter capabilities. Recent small business HVAC load control programs with combined DR and EE measures align with this objective. The May 2016 removal of a provision in EPA regulations that allowed generators with emergency classification to be used for demand response led

to a significant reduction in enterprise commercial and industrial DR programs; however, SERC anticipates no near-term changes to policy or program rules that would limit the current availability or forecasted growth of DSM programs in the Region.

Distributed Energy Resources (DERs)—SERC

Most of the DER growth in the Region has been solar. The DERs will have little to no impact on winter peak demand reduction and only a small impact on summer peak demand. SERC-E members are continuing to collect data on the impact of solar DERs in the Region and will incorporate the results into the models. The SERC VERWG is assessing solar penetrations within the Region. Currently no major impacts have been identified. For the majority of the SERC-N area, DERs are accounted for in the load forecast (behind-the-meter) or through programs that are in front of the meter and evaluated like a resource. There have been no changes to this methodology since the 2016 LTRA.

Generation—SERC

The data reported in 2017 by SERC entities indicates that demand growth over the next ten years will be served through a combination of capacity purchases and new nuclear, natural gas, and combined-cycle units. The Westinghouse bankruptcy creates uncertainty throughout the ERO regarding the future of nuclear additions. Although the V.C. Summer facility, which accounts for 2,200 MW of future generation, is no longer viable, the affected entity plans to replace the 2,200 MW with a combination of generation from alternate fuel types and energy purchases. Other entities within the Region are continuing with plans for nuclear or combined-cycle base-load generation during the planning horizon. SERC anticipates that the loss of approximately 2,030 MW in coal-fired capacity by 2026 will be offset by anticipated nuclear and natural gas generation additions.

Natural Gas currently accounts for 41 percent of net operable capacity. Coal and nuclear generation combined account for 48 percent. Hydro, renewables, and other fuel types account for the remaining 11 percent.

Many long-term capacity additions, including nuclear additions that were previously reported as conceptual, are now reported as future planned in accordance with the NERC reporting definitions. Older and smaller coal-fired generation facilities continue to be evaluated for fuel conversion or retirement for various reasons, including the passage of stricter environmental laws.

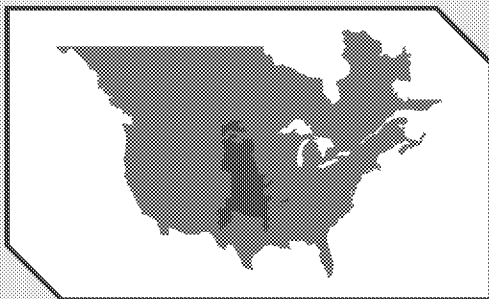
Recent increases in variable energy resource (VER) additions, coupled with the challenges associated with rapidly changing inverter-based technologies, has

resulted in the need to explore the potential reliability considerations related to VER integration in the SERC Region; as such, the SERC EC formed the VER Task Force (VERTF) in 2016 to identify and assess these considerations and make a recommendation on the need for ongoing focus and communication on these and future issues (as identified). Upon recommendation from the VERTF, the VER working group (VERWG) was formed in 2017.

Transmission—SERC

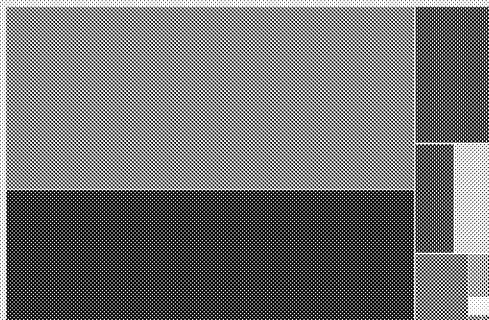
SERC entities coordinate transmission expansion plans in the Region annually through joint model-building efforts that include the plans of all SERC entities. The coordination of transmission expansion plans with entities outside the Region is achieved through annual participation in joint modeling efforts with the ERAG Multi-regional Modeling Working Group (MMWG). Transmission expansion plans by most SERC entities are dependent on regulatory support at the federal, state, and local levels since the regulatory entities can influence the siting, permitting, and cost recovery of new transmission facilities.

NERC registered entities in the SERC Region are committed to planning for a reliable delivery system. Transmission upgrades and the installation of new facilities will be necessary to ensure compliance with national and local standards, improve both intraregional and interregional transfer capabilities, relieve congestion, and ensure generation deliverability. SERC and SERC's registered entities will continue to assess transmission development and monitor the implications to current and future reliability.



SPP

Southwest Power Pool (SPP) Planning Coordinator footprint covers 575,000 square miles and encompasses all or parts of Arkansas, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas and Wyoming. The SPP Long-Term Assessment is reported based on the Planning Coordinator footprint, which touches parts of the Southwest Power Pool Regional Entity, Midwest Reliability Organization Regional Entity, and Western Electricity Coordinating Council. The SPP assessment area footprint has approximately 61,000 miles of transmission lines, 756 generating plants, and 4,811 transmission-class substations, and it serves a population of 18 million people.

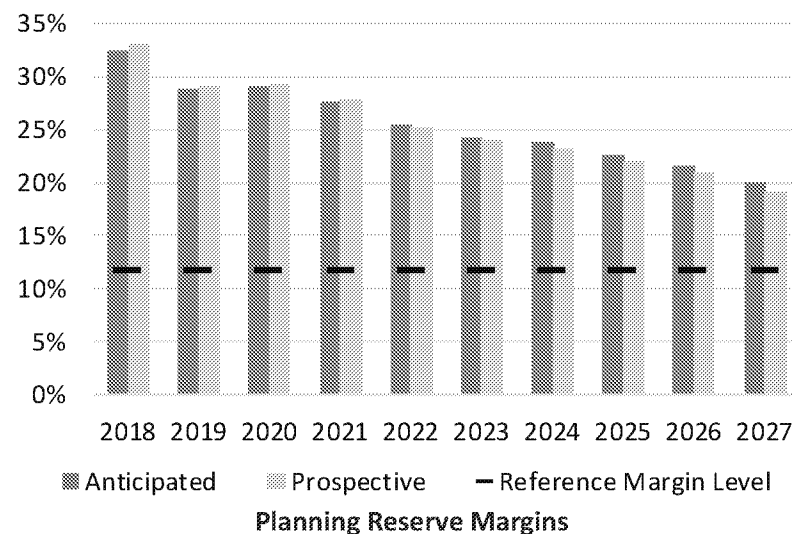


Highlights

- Installed wind generation capacity increased in 2016 alone by more than 30 percent, up 4,000 MW from 12 GW to more than 16 GW. SPP's maximum simultaneous wind generation peak rose from 9,948 MW in 2015 to 13,342 MW in 2017. Also, wind penetration, the amount of total load served by wind at a given time, has increased from a 38 percent peak in 2015 to 54.4 percent in 2017.
- As renewable resources are added to the system, SPP will eventually reach a point at which it can no longer reliably utilize this generation for SPP's own internal demand needs even with additional transmission infrastructure. At that point, those future renewables will have to be delivered to other Regions.
- SPP has developed a model (scenario 5 (S5)) to analyze the growing wind generation in the RTO. The model maximizes all applicable, confirmed, long-term firm transmission service with its necessary generation dispatch. The S5 model analyzes and emphasizes higher wind transfers and will be used to identify reliability issues in the RTO for near-term planning.

Demand, Resources, and Reserve Margins										
Demand (MW)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Total Internal Demand	52,554	53,319	53,361	53,643	53,981	54,179	54,409	54,729	54,929	55,250
Demand Response	867	897	886	868	866	868	872	877	881	885
Net Internal Demand	51,687	52,422	52,476	52,774	53,116	53,311	53,537	53,853	54,049	54,365
Resources (MW)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Anticipated	68,447	67,507	67,642	67,332	66,608	66,217	66,227	66,013	65,649	65,157
Prospective	68,714	67,618	67,754	67,444	66,428	66,037	65,884	65,670	65,307	64,773
Reserve Margins (%)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Anticipated	32.43	28.78	28.90	27.59	25.40	24.21	23.70	22.58	21.46	19.85
Prospective	32.94	28.99	29.11	27.80	25.06	23.87	23.06	21.94	20.83	19.14
Reference Margin Level	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00

Existing On-Peak Generation (Summer)		
Generation Type	Peak Season Capacity	
	MW	Percent
Biomass	39	0.1
Coal	24,267	35.4
Hydro	4,770	7.0
Natural Gas	33,340	48.6
Nuclear	1,938	2.8
Other	52	0.1
Petroleum	1,656	2.4
Pumped Storage	482	0.7
Solar	197	0.3
Wind	1,878	2.7



Planning Reserve Margins

The Anticipated Reserve Margin does not fall below the Reference Margin Level for the SPP assessment area. The SPP assessment area PRM requirement for the 2017 summer is 12 percent, unless a members capacity mix is comprised of at least 75 percent hydro-based generation, then the Planning Reserve Margin is 9.89 percent.

Demand

The SPP assessment area forecasts the noncoincident Total Internal Demand to peak at 51,093 MW during the 2017 summer season, which is an increase of approximately 300 MWs from the 2016 LTRA forecast. The SPP assessment area forecasts the noncoincident annual peak growth, over the 10-year forecast, at an average annual rate of approximately 1 percent.

Demand-Side Management

The SPP assessment area's energy efficiency and conservation programs are incorporated into the reporting entities' demand forecasts. There are no known impacts to the SPP assessment area's long-term reliability related to the forecasted increase in energy efficiency and demand response across the assessment area. The SPP assessment area forecasts the noncoincident summer peak growth at an average annual rate of 1 percent.

Distributed Energy Resources (DERs)

SPP currently has approximately 250 MW of installed solar. There is approximately 7,800 MW's of solar projects in the Generation Interconnection queue, but only 170 have Interconnection Agreements in place. SPP Model Development, Economic Studies, and the Supply Adequacy working groups are currently developing policies and procedures around DERs.

Generation

Confirmed retirements in SPP amount to 1,145 MW of natural gas, 896 MW of coal, and 4 MW of Wind. There are no known reliability impacts at this time, but the results of the retirements (expected to be replaced with renewable resources) and the resource adequacy impacts will be studied in the 2017 LOLE study, expected in late 2017 or early 2018.

Capacity Transfers

The SPP assessment area members forecasted net firm capacity transactions of -86 MWs in 2017 to -412 MWs in 2027; all of these capacity transactions have firm transmission service. Resource mix changes are not expected to impact capacity transfers.

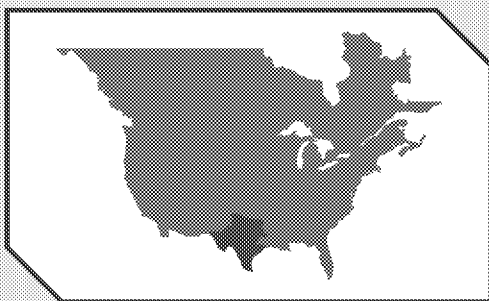
Transmission

The SPP assessment area's Board of Directors approved the [2017 Integrated Transmission Plan 10-Year Assessment Report](#) and the [2017 Integrated Transmission Planning Near-Term Assessment](#). Both reports provide details for proposed transmission projects needed to maintain reliability while also providing economic benefit to the end users.

The Integrated Transmission Planning (ITP) process is Southwest Power Pool's iterative 3-year study process that includes 20-Year, 10-Year and Near Term Assessments.

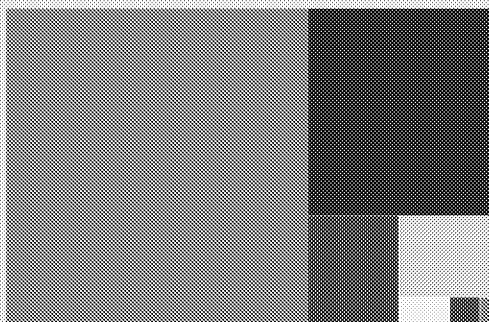
- The 20-Year Assessment identifies transmission projects, generally above 300 kV, needed to provide a grid flexible enough to provide benefits to the Region across multiple scenarios.
- The 10-Year Assessment (ITP10) focuses on facilities 100 kV and above to meet system needs over a 10-year horizon.
- The ITP Near-Term assessment is performed annually and assesses system upgrades, at all applicable voltage levels, required in the near-term planning horizon to address reliability needs.

Along with the Highway/Byway cost allocation methodology, the ITP process promotes transmission investment that will meet reliability, economic, and public policy needs intended to create a cost-effective, flexible, and robust transmission network that will improve access to the Region's diverse generating resources. This report documents the ITP Near-Term (ITPNT) assessment that concluded in April 2017.



Texas RE-ERCOT

The Electric Reliability Council of Texas (ERCOT) is the ISO for the ERCOT Interconnection and is located entirely in the state of Texas; it operates as a single Balancing Authority. ERCOT is a summer-peaking Region that covers approximately 200,000 square miles, connects 40,530 miles of transmission lines, and 566 generation units, and serves 23 million customers. The Texas Reliability Entity (Texas RE) is responsible for the RE functions described in the Energy Policy Act of 2005 for the ERCOT Region.

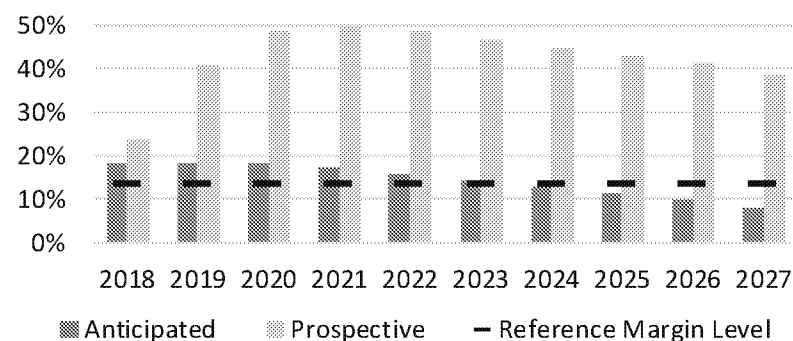


Highlights

- Anticipated Reserve Margins remains above the 13.75 percent Reference Margin Level until 2024.
- Between September and October 2017, ERCOT received notice from Generator Owners of seven coal units and a single gas-steam unit with plans to take units out of service between December 2017 and February 2018. Submitted retirements totaling 4,600 MW were approved by ERCOT between October and November 2017.
- Texas RE-ERCOT plans to add or upgrade approximately 3,600 MW of 138-kV and 345-kV transmission circuits during the assessment period.
- To address the increasing share of wind and solar generation, ERCOT established a new control room and a renewable reliability risk desk that are focused on reducing forecasting errors and improving the monitoring and real-time analysis of net load ramps, low inertia conditions, and variable ancillary service needs.
- Hurricane/Tropical Storm Harvey is not expected to materially impact system reliability or ERCOT market operations in 2018 and beyond. ERCOT is currently coordinating with transmission providers on their remaining restoration efforts in the affected areas along the southeast coast and in the Houston area.

Demand, Resources, and Reserve Margins										
Demand (MW)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Total Internal Demand	74,149	75,588	76,510	77,417	78,377	79,348	80,315	81,261	82,286	83,931
Demand Response	3,137	3,137	3,137	3,137	3,137	3,137	3,137	3,137	3,137	3,137
Net Internal Demand	71,012	72,451	73,373	74,280	75,240	76,211	77,178	78,124	79,149	80,794
Resources (MW)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Anticipated	83,953	85,539	86,564	86,952	86,902	86,902	86,902	86,902	86,902	86,902
Prospective	87,729	101,798	109,087	111,174	111,924	111,557	111,557	111,557	111,557	111,557
Reserve Margins (%)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Anticipated	18.22	18.06	17.98	17.06	15.50	14.03	12.60	11.24	9.80	7.56
Prospective	23.54	40.51	48.67	49.67	48.76	46.38	44.54	42.80	40.95	38.07
Reference Margin Level	13.75	13.75	13.75	13.75	13.75	13.75	13.75	13.75	13.75	13.75

Existing On-Peak Generation (Summer)		
Generation Type	Peak Season Capacity	
	MW	Percent
Biomass	199	0.3
Coal	19,209	25
Hydro	439	0.6
Natural Gas	47,547	61.8
Nuclear	4,981	6.5
Solar	720	0.9
Wind	3,783	4.9



Planning Reserve Margins

Planning Reserve Margins

The Anticipated Reserve Margin falls below the Reference Margin Level by the summer of 2024. Project developers typically submit interconnection requests to ERCOT no more than three to four years before the facility is expected to enter commercial operations. As a result, the Texas RE-ERCOT Region will always show a flat level of capacity additions and typically declining reserve margins starting four to five years into the LTRA forecast period. This is not indicative of a future resource adequacy problem, but rather that ERCOT does not receive resource planning information from project developers sufficient to develop a long-term resource expansion forecast.

Demand

ERCOT's current peak load forecast (developed in fall 2016) is higher than the 2016 LTRA forecast primarily due to a projected increase in economic growth driven oil and natural gas exploration, a Gulf Coast petrochemical plant expansion, and overall stronger employment outlook over the forecast horizon. Demand growth in the Coastal zone is significantly above ERCOT's average growth due to the expected addition of LNG plant and petrochemical industry loads over the next five years. The forecast also shows continued strong load growth in the South and Far West weather zones primarily due to oil and natural gas production. The Coastal and Far West annual average peak demand growth rates are forecasted to grow at 2 percent and 2.1 percent respectively from 2017-2022.

Demand-Side Management (DSM)

DSM forecasted for 2018 comes from dispatchable resources in the form of noncontrollable load resources providing responsive reserve service¹ (1,191 MW), emergency response service (1,743 MW), and load management programs administered by transmission/distribution service providers (203 MW).² ERCOT also assumes that these DSM amounts remain constant thereafter. ERCOT develops its own energy efficiency forecast using annual reports of verified incremental peak load impacts from the Public Utility Commission of Texas and Texas State Energy Conservation Office.³

Distributed Energy Resources (DERs)

Installed solar DER capacity forecasted for the five-year horizon (ending 2022) is 322 MW. Based on current capacity growth and market trends, ERCOT believes that DERs do not pose near-term reliability issues for the grid. Nevertheless, it intends to prepare for a future scenario in which a larger share of the regional generation mix may come from the distribution system. Recommended actions involve mapping all existing registered DERs (>1 MW) to the Common Information Model at their load points. Once in the model, the DG locations will be known to ERCOT operators, improving situational awareness and allowing for incorporating into power flow, state estimator, and load forecast programs. The schedule for this DER mapping project has not been determined; however, ERCOT and Texas RE have met to review DER-related challenges and propose actions to verify these resources meet requirements for maintaining system reliability.

¹ This value reflects a 95 percent confidence level based on historical data for the hours 1500 through 1800 during the months of June through September over the last three years. The hourly participation is capped at 50 percent of the system-wide obligation for Responsive Reserve Service where the system-wide obligation can range from 2,300 MW to 2,800 MW.

² Includes a two percent gross-up adjustment for avoided transmission line losses.

³ Verified impacts are derived through an Evaluation, Measurement & Verification (EM&V) framework approved by the PUCT. The statutory EM&V framework is outlined in the Commission's Substantive Rule 25.181, available at <https://www.puc.texas.gov/agency/ruleslaws/subrules/electric/25.181/25.181.pdf>, subsection (q). The verified savings are estimated by a third-party contractor selected by the PUCT. Information on the EM&V program, including the associated Technical Reference Manual, is available at <http://www.texasenergy.com/index.php/emv>. Growth trends in the annual verified MW amounts are used to develop the forecast. A 2017 change to the forecast methodology is to incorporate energy efficiency estimates from municipal and cooperative utilities reported to the Texas State Energy Conservation Office. This resulted in a significantly higher energy efficiency impact level for the 2017 LTRA.

Generation

There are a number of challenges that ERCOT is addressing with respect to increasing amounts of wind and solar generation on the ERCOT grid. In particular, improved accuracy of wind/solar forecasting and dynamic consideration of the reliability risks that wind and solar introduce is becoming more important. To address these challenges, ERCOT completed implementation of its new control room renewable reliability risk desk, which went live in January 2017. This reliability risk desk is focused on reducing wind and solar forecast errors and improving monitoring and real-time analysis of net load ramps, low inertia conditions, and variable ancillary service needs. ERCOT continues to develop new software tools and data collection systems to support these risk mitigation objectives. In addition to implementing the new risk desk and supporting tools and procedures, ERCOT is working with wind facility owners to address wind forecasting problems caused by icing and extreme cold weather. Better communications (telemetry updates and control room notifications) regarding icing and extreme weather events are being fostered.

There have been 4 unit retirements since the release of the 2016 LTRA, totaling 128 nameplate MW. A total of 3 of the units were old gas-fired steam turbine units at the same plant (Pearsall Plant) while the fourth was a biomass (wood waste) unit whose operations were no longer deemed economic by the unit's owner.⁴ ERCOT developed an environmental regulation scenario to support development of ERCOT's 2016 Regional Transmission Plan. Assumptions about generation retirements were developed based on the requirements of the Texas Regional Haze Federal Implementation Plan and other pending environmental regulations, resulting in approximately 6 GW of generation retirements by 2021. The study results indicated the retirement of the resources would have significant impacts on the ERCOT grid, resulting in exceedances of thermal limitations, primarily on the transmission system serving the load in the Dallas-Fort Worth area. A significant amount of transmission system improvements

⁴ When a unit owner decides to retire a generating unit, they must submit a Notice of Suspended Operations no less than 90 days prior to the planned retirement date. ERCOT has 60 days to complete a reliability impact study and make a final determination regarding whether the unit is required to support system reliability. Confirmed retirements comprise only those units for which ERCOT has determined that the unit is not needed to support system reliability.

would likely be required to ensure transmission system reliability criteria are met even if a moderate amount of new resources assumed for the study were to be displaced around the Region. The actual extent and timing of any coal unit retirements remains uncertain at this time.

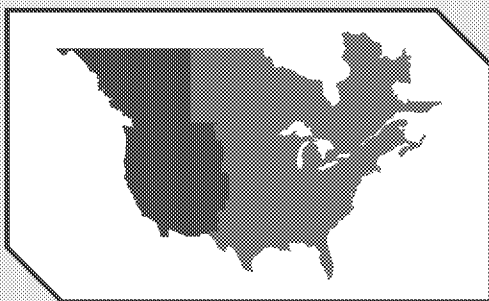
Between September and October 2017, ERCOT received notice from Generator Owners of seven coal units and a single gas-steam unit with plans to take units out of service between December 2017 and February 2018. Submitted retirements included 4,600 MW and the following units: Barney M. Davis Unit 1, Monticello Units 1–3, Big Brown 1 and 2, and Sandow 4–5. Between October and November 2017, ERCOT determined that these units are not needed for grid reliability and approved all seven retirement requests. Due to the late timing of the announcements, these planned retirements, as well as other recent resource updates, are not reflected in the 2017 LTRA Reference Case Reserve Margins. These unit retirements will reduce the Summer 2018 Anticipated Reserve Margin by 6.5 percentage points, effectively decreasing it from 18.22 percent to 11.76 percent, below the Reference Margin Level of 13.75 percent. This reserve margin reduction does not account for any other resource updates, including replacement capacity that may be added in response to the announced retirements.

Capacity Transfers

Due to the small impact of dc tie imports to the Texas RE-ERCOT assessment area, there are no severe scenarios investigated for ERCOT's transmission planning studies.

Transmission

The recently updated ERCOT future transmission projects list includes the additions or upgrades of 3,580 miles of 138 kV and 345 kV transmission circuits, 23,904 MVA of 345/138 kV autotransformer capacity, and 3,706 MVar of reactive capability projects that are planned in the Texas RE-ERCOT assessment area between 2017 and 2025.



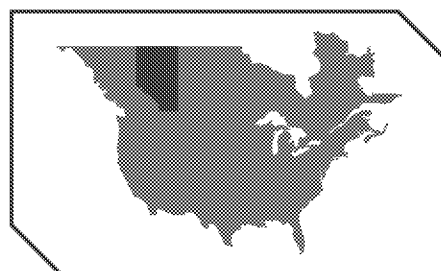
WECC

The Western Electricity Coordinating Council (WECC) is responsible for coordinating and promoting Bulk Electric System reliability in the Western Interconnection. WECC's 329 members, which include 38 Balancing Authorities, represent a wide spectrum of organizations with an interest in the BES. Serving an area of nearly 1.8 million square miles and approximately 82.2 million people, it is geographically the largest and most diverse of the NERC Regional Entities. WECC's service territory extends from Canada to Mexico. It includes the provinces of Alberta and British Columbia in Canada, the northern portion of Baja California in Mexico, and all or portions of the 14 western states in between. The WECC assessment area is divided into five subregions: Rocky Mountain Reserve Group (RMRG), Southwest Reserve Sharing Group (SRSR), California/Mexico (CA/MX), and the Northwest Power Pool (NWPP), which is further divided into the NW-Canada and NW-US areas. These subregional divisions are used for this assessment, as they are structured around reserve sharing groups that have similar annual demand patterns and similar operating practices.

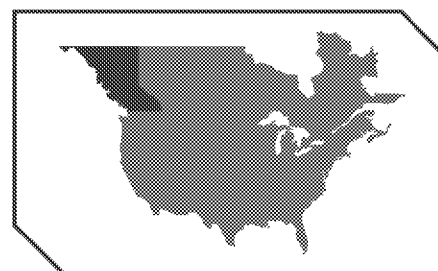
Highlights

- Load-serving entities in the Western Interconnection are forecasted to add over 9,000 MW of solar nameplate capacity and over 5,000 MW of wind nameplate capacity during the assessment period. In addition, over 12,500 MW (nameplate) of rooftop solar is forecasted to be installed over the next decade.
- WECC is funding a study of the impacts to reliability associated with the interdependence of the natural gas and electric systems. This study is expected to be completed in early-2018.
- The Los Angeles Basin in southern California continues to be an area of short-term concern due to the reduced availability of the Aliso Canyon natural gas storage facility. WECC has studied, and continues to study, the potential impacts to reliability for the Western Interconnection associated with the limited availability of Aliso Canyon natural gas storage facility.
- Three 55 MW oil-fired units in CAISO (WECC-CAMX assessment area) will be needed through 2018 to ensure reliability. CAISO's board of governors extended a "reliability must-run" (RMR) contract in September 2017 for the three units located near Oakland, CA.

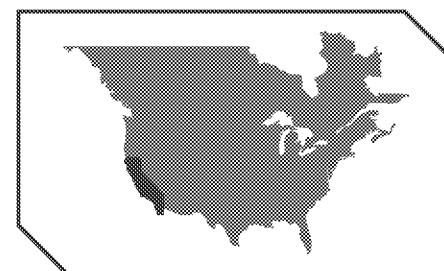
Starting on the next page are summaries of the assessment areas that make up WECC.



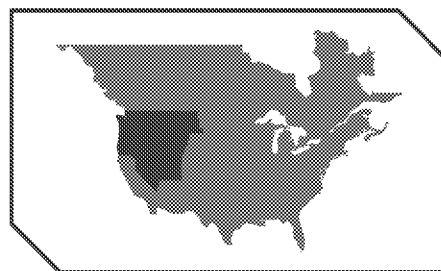
WECC-AB



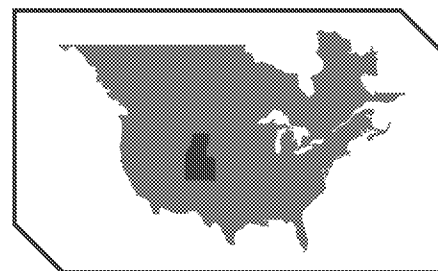
WECC-BC



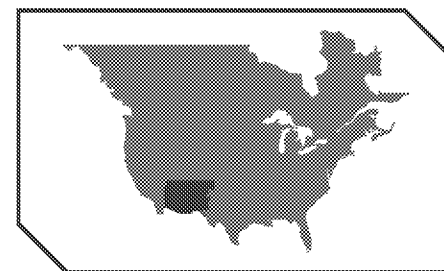
WECC-CAMX



WECC-NWPP-US



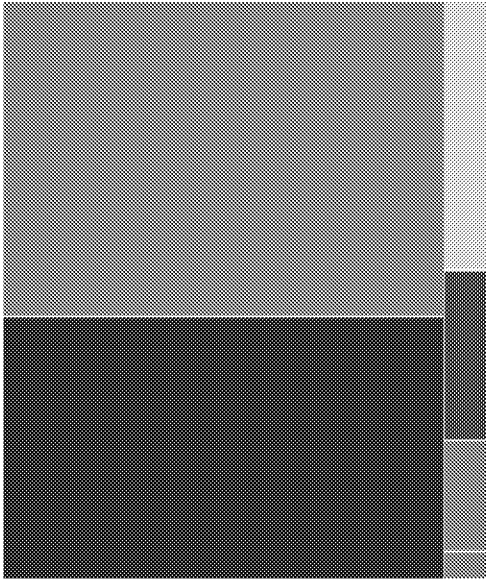
WECC-RMRG



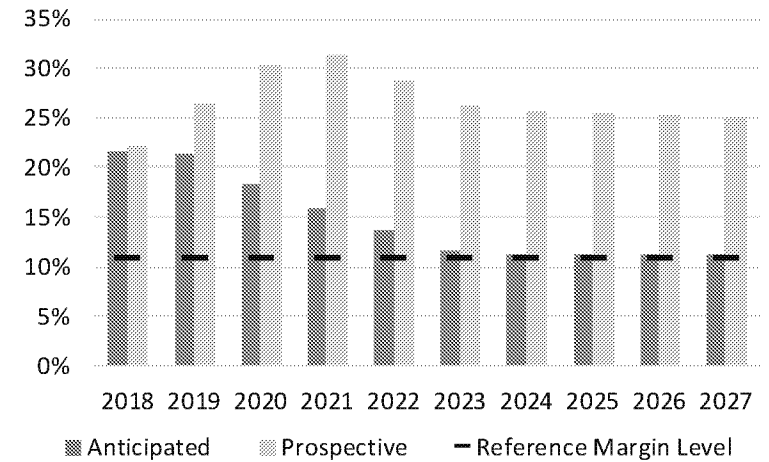
WECC-SRSG

WECC-AB Demand, Resources, and Reserve Margins

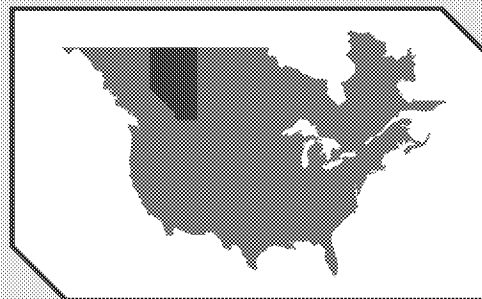
Demand (MW)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Total Internal Demand	12,581	12,599	12,932	13,188	13,457	13,700	13,903	14,102	14,298	14,516
Demand Response	0	0	0	0	0	0	0	0	0	0
Net Internal Demand	12,581	12,599	12,932	13,188	13,457	13,700	13,903	14,102	14,298	14,516
Resources (MW)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Anticipated	15,289	15,289	15,289	15,289	15,289	15,289	15,456	15,677	15,895	16,137
Prospective	15,369	15,928	16,848	17,298	17,298	17,298	17,465	17,686	17,904	18,146
Reserve Margins (%)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Anticipated	21.52	21.35	18.22	15.93	13.61	11.59	11.17	11.17	11.17	11.16
Prospective	22.16	26.43	30.29	31.17	28.55	26.27	25.62	25.42	25.22	25.01
Reference Margin Level	11.03	11.03	11.03	11.03	11.03	11.03	11.03	11.03	11.03	11.03



WECC-AB Existing On-Peak Generation (Winter)			
Generation Type		Peak Season Capacity	
		MW	Percent
Biomass		273	1.8
Coal		6,275	41.2
Hydro		415	2.7
Natural Gas		7,533	49.5
Other		70	0.5
Wind		663	4.4



WECC-AB Planning Reserve Margins



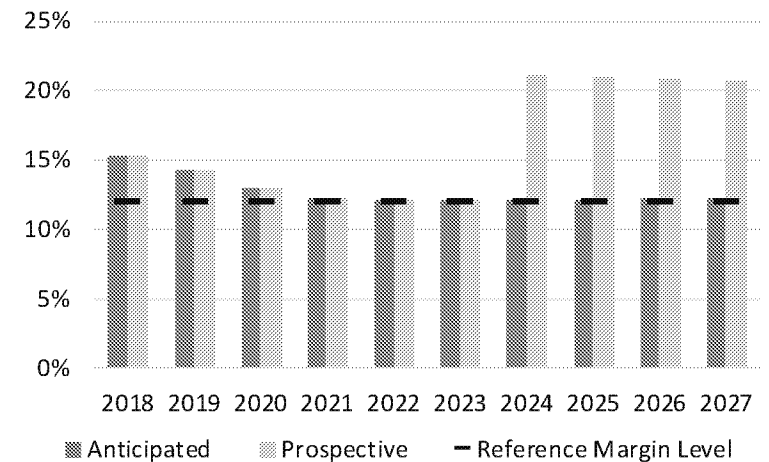
WECC-AB

WECC-BC Demand, Resources, and Reserve Margins

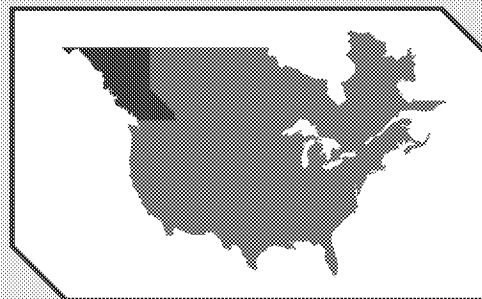
Demand (MW)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Total Internal Demand	11,315	11,456	11,599	11,748	11,942	12,160	12,323	12,497	12,665	12,880
Demand Response	0	0	0	0	0	0	0	0	0	0
Net Internal Demand	11,315	11,456	11,599	11,748	11,942	12,160	12,323	12,497	12,665	12,880
Resources (MW)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Anticipated	13,033	13,088	13,088	13,170	13,387	13,631	13,814	14,009	14,198	14,439
Prospective	13,033	13,088	13,088	13,170	13,387	13,631	14,914	15,109	15,298	15,539
Reserve Margins (%)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Anticipated	15.18	14.25	12.84	12.11	12.10	12.10	12.10	12.10	12.11	12.11
Prospective	15.18	14.25	12.84	12.11	12.10	12.10	21.03	20.90	20.79	20.65
Reference Margin Level	12.10	12.10	12.10	12.10	12.10	12.10	12.10	12.10	12.10	12.10

WECC-BC Existing On-Peak Generation (Winter)

Generation Type	Peak Season Capacity	
	MW	Percent
Biomass	491	3.6
Hydro	12,491	92.5
Natural Gas	434	3.2
Wind	93	0.7



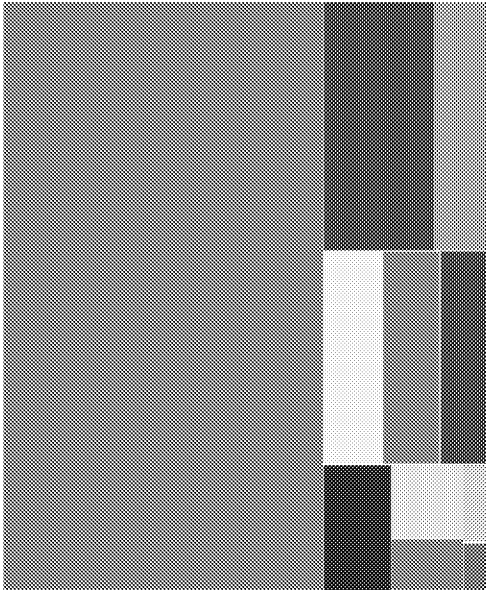
WECC-BC Planning Reserve Margins



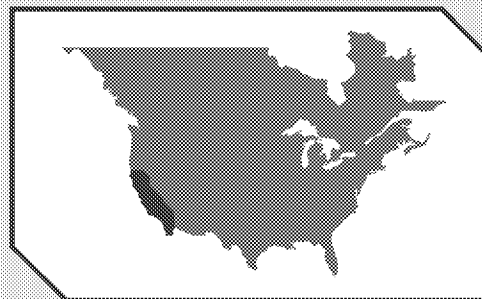
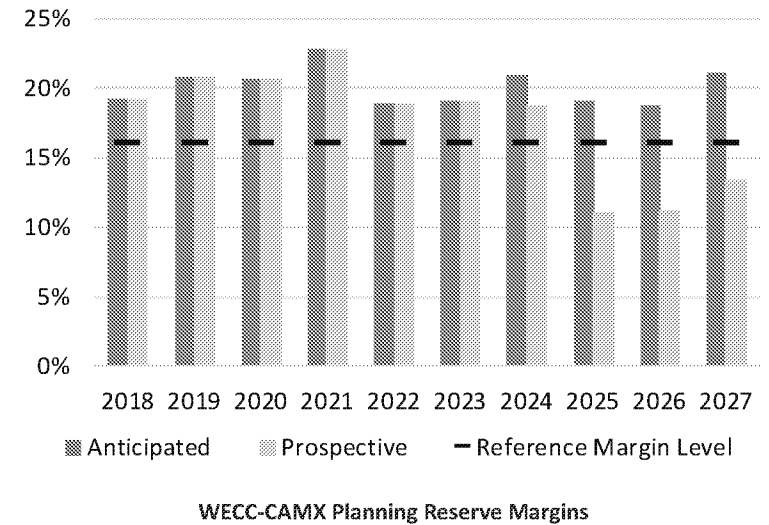
WECC-BC

WECC-CAMX Demand, Resources, and Reserve Margins

Demand (MW)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Total Internal Demand	54,112	53,026	55,192	55,578	54,979	54,513	53,205	53,521	55,148	55,445
Demand Response	1,535	1,524	1,550	1,580	1,613	1,648	1,686	1,726	1,768	1,768
Net Internal Demand	52,577	51,502	53,642	53,998	53,366	52,865	51,519	51,795	53,380	53,677
Resources (MW)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Anticipated	62,658	62,162	64,687	66,259	63,423	62,898	62,290	61,597	63,390	64,930
Prospective	62,658	62,162	64,687	66,259	63,423	62,898	61,150	57,517	59,310	60,850
Reserve Margins (%)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Anticipated	19.17	20.70	20.59	22.71	18.85	18.98	20.91	18.92	18.75	20.96
Prospective	19.17	20.70	20.59	22.71	18.85	18.98	18.69	11.05	11.11	13.36
Reference Margin Level	16.14	16.14	16.14	16.14	16.14	16.14	16.14	16.14	16.14	16.14



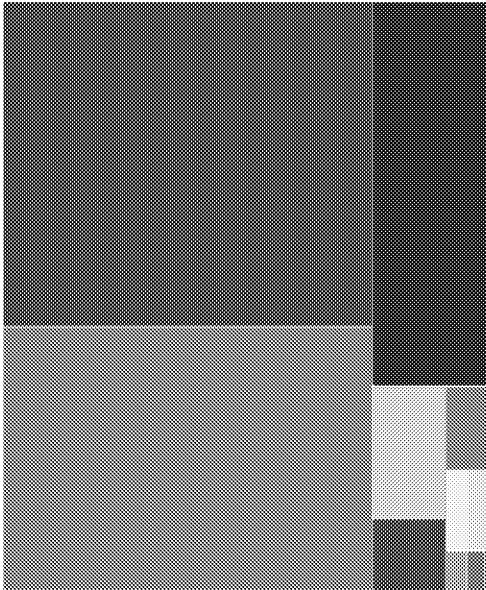
WECC-CAMX Existing On-Peak Generation (Summer)			
Generation Type		Peak Season Capacity	
		MW	Percent
Biomass		792	1.3
Coal		1,808	3.0
Geothermal		1,118	1.8
Hydro		5,865	9.7
Natural Gas		39,679	65.6
Nuclear		2,280	3.8
Other		2,559	4.2
Petroleum		272	0.4
Pumped Storage		2,936	4.9
Solar		2,693	4.5
Wind		445	0.7



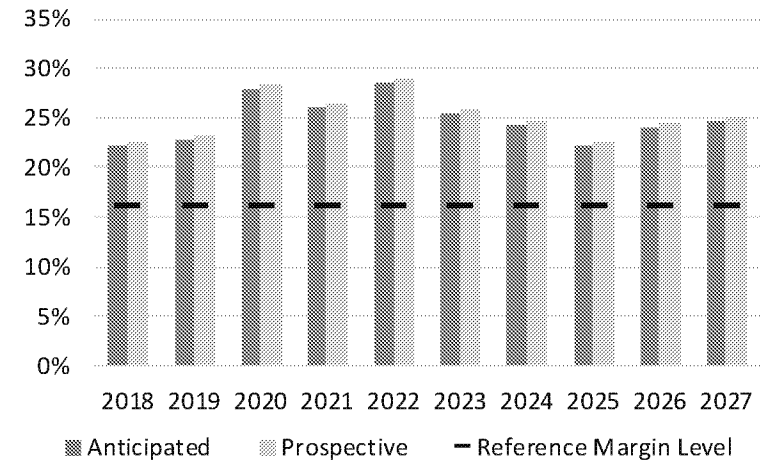
WECC-CAMX

WECC-NWPP-US Demand, Resources, and Reserve Margins

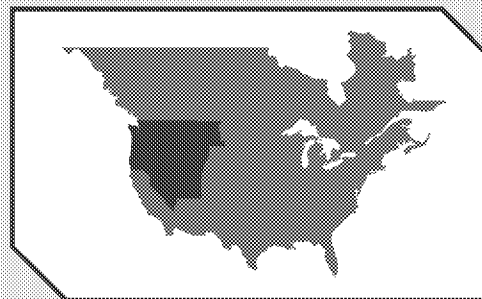
Demand (MW)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Total Internal Demand	49,902	50,210	50,517	50,875	51,308	51,356	51,680	52,025	52,384	52,768
Demand Response	1,295	1,310	1,321	1,322	1,330	1,349	1,345	1,396	1,448	1,475
Net Internal Demand	48,607	48,900	49,196	49,553	49,978	50,007	50,335	50,629	50,936	51,293
Resources (MW)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Anticipated	59,409	60,049	62,844	62,392	64,197	62,663	62,499	61,840	63,094	63,873
Prospective	59,517	60,257	63,052	62,600	64,405	62,871	62,707	62,048	63,302	64,081
Reserve Margins (%)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Anticipated	22.22	22.80	27.74	25.91	28.45	25.31	24.17	22.14	23.87	24.53
Prospective	22.45	23.22	28.16	26.33	28.87	25.72	24.58	22.55	24.28	24.93
Reference Margin Level	16.38	16.38	16.38	16.38	16.38	16.38	16.38	16.38	16.38	16.38



WECC-NWPP-US Existing On-Peak Generation (Summer)			
Generation Type		Peak Season Capacity	
		MW	Percent
Biomass		771	1.3
Coal		9,464	15.9
Geothermal		357	0.6
Hydro		24,927	41.8
Natural Gas		20,254	33.9
Nuclear		1,130	1.9
Other		50	0.1
Petroleum		152	0.3
Pumped Storage		181	0.3
Solar		378	0.6
Wind		2,019	3.4



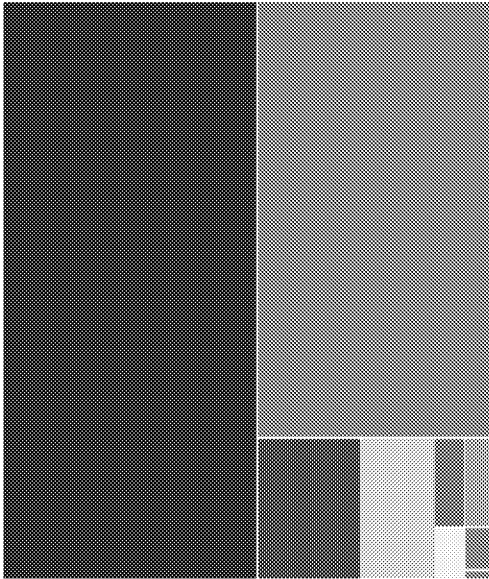
WECC NWPP-US Planning Reserve Margins



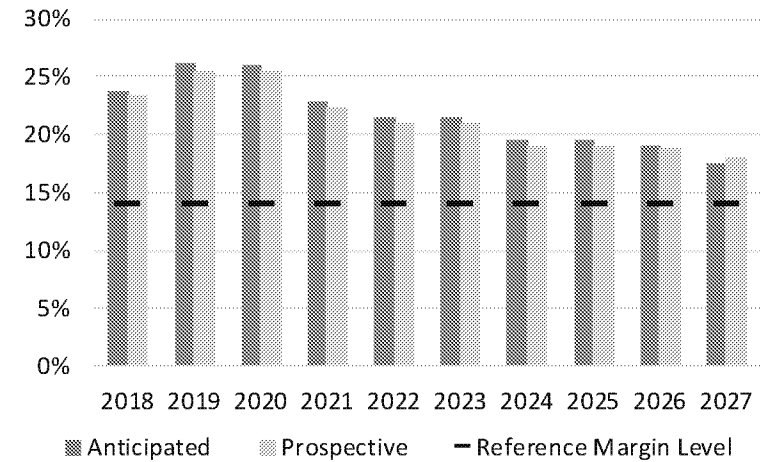
WECC-NWPP-US

WECC-RMRG Demand, Resources, and Reserve Margins

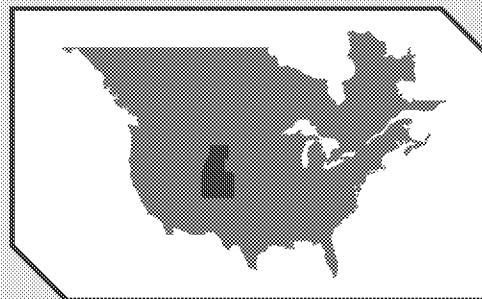
Demand (MW)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Total Internal Demand	12,528	12,678	12,812	13,052	13,208	13,451	13,631	13,803	13,985	14,168
Demand Response	531	538	537	542	546	551	555	553	557	562
Net Internal Demand	11,997	12,140	12,275	12,510	12,662	12,900	13,076	13,250	13,428	13,606
Resources (MW)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Anticipated	14,835	15,298	15,460	15,370	15,370	15,664	15,629	15,825	15,964	15,976
Prospective	14,792	15,221	15,393	15,303	15,303	15,597	15,562	15,758	15,954	16,051
Reserve Margins (%)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Anticipated	23.66	26.01	25.95	22.86	21.39	21.43	19.52	19.43	18.89	17.42
Prospective	23.30	25.38	25.40	22.32	20.86	20.90	19.01	18.93	18.81	17.97
Reference Margin Level	14.17	14.17	14.17	14.17	14.17	14.17	14.17	14.17	14.17	14.17



WECC-RMRG Existing On-Peak Generation (Summer)			
Generation Type		Peak Season Capacity	
		MW	Percent
Biomass		17	0.1
Coal		9,530	52.3
Hydro		950	5.2
Natural Gas		6,558	36.0
Other		71	0.4
Petroleum		170	0.9
Pumped Storage		147	0.8
Solar		103	0.6
Wind		682	3.7



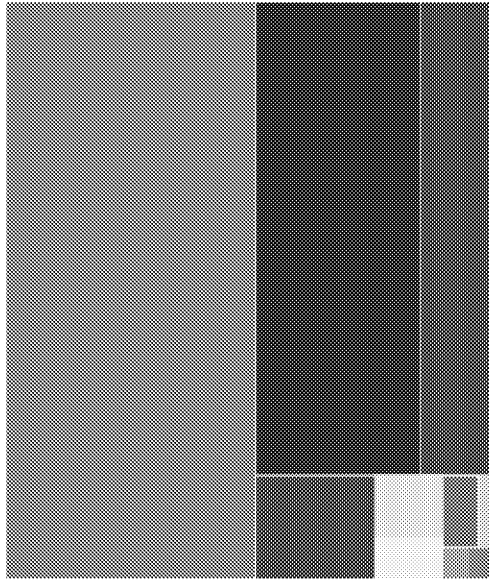
WECC-RMRG Planning Reserve Margins



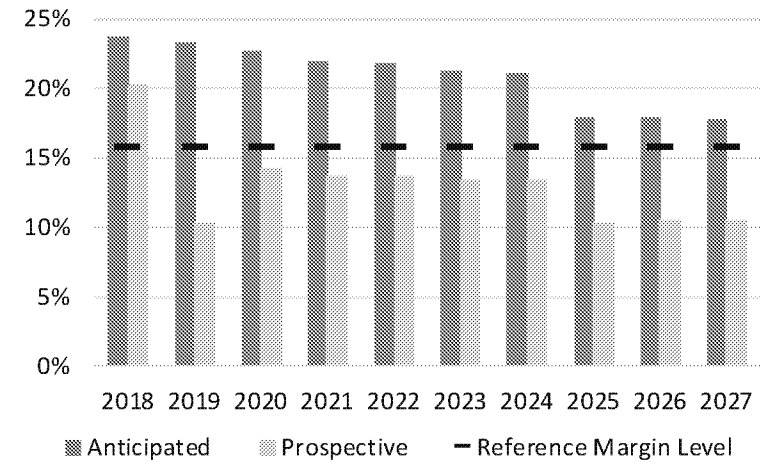
WECC-RMRG

WECC-SRSG Demand, Resources, and Reserve Margins

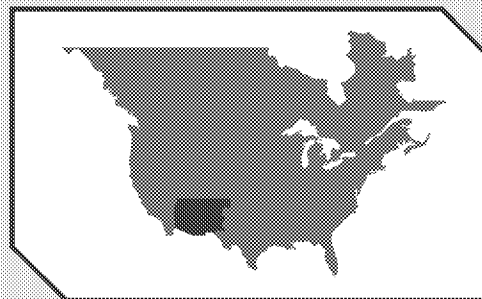
Demand (MW)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Total Internal Demand	23,883	24,227	24,534	24,978	25,664	26,239	26,643	27,267	27,771	28,238
Demand Response	385	525	532	495	496	463	465	466	467	451
Net Internal Demand	23,498	23,702	24,002	24,483	25,168	25,776	26,178	26,801	27,304	27,787
Resources (MW)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Anticipated	29,061	29,196	29,433	29,856	30,632	31,226	31,695	31,580	32,165	32,706
Prospective	28,237	26,144	27,404	27,827	28,603	29,197	29,666	29,551	30,136	30,677
Reserve Margins (%)	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Anticipated	23.67	23.18	22.63	21.95	21.71	21.14	21.08	17.83	17.80	17.70
Prospective	20.17	10.30	14.17	13.66	13.65	13.27	13.32	10.26	10.37	10.40
Reference Margin Level	15.83	15.83	15.83	15.83	15.83	15.83	15.83	15.83	15.83	15.83



WECC-SRSG Existing On-Peak Generation (Summer)			
Generation Type	Peak Season Capacity		
	MW	Percent	
Biomass	89	0.3	
Coal	8,964	27.7	
Geothermal	496	1.5	
Hydro	1,422	4.4	
Natural Gas	16,642	51.4	
Nuclear	3,937	12.2	
Petroleum	289	0.9	
Pumped Storage	92	0.3	
Solar	322	1.0	
Wind	122	0.4	



WECC-SRSG Planning Reserve Margins



WECC-SRSG

Planning Reserve Margins—WECC

The Reference Margin Level is established by WECC through the Building Block Method that was created by the Loads and Resource Subcommittee. The Building Block Method is not a 1-in-10 loss of load probabilistic study approach, but rather is created by identifying four elements that contribute to Planning Reserves (contingency reserves, regulating reserves, forced outages, and a high temperature adder). No WECC subregion drops below the Reference Margin Level during the assessment period.

Demand—WECC

Load forecasts are developed by WECC staff by imposing the monthly peak and energy forecasts provided by the 38 individual Balancing Authorities (BA) on BA-specific annual hourly (8,760 hours) curves. The BAs update the peak and energy forecasts annually based on expected population growth with expected economic conditions and normalized weather conditions. Forecasted demand is reduced for rooftop solar to reflect demand expected to be served by the load serving entity (LSE). The forecasted curves are aggregated to subregional and Western Interconnection curves to create the coincidental peak for the study cases. The CA/MX subregion has forecasted relatively flat peak demand growth over the next 10 years (0.27 percent) primarily due to the projected increases in rooftop solar installations. Other WECC subregions show growth rates between 0.62 percent and 1.88 percent, which is in line with historic demand forecasts.

Demand-Side Management (DSM)—WECC

A significant portion of the controllable demand response programs within WECC are associated with large industrial facilities, air conditioner cycling programs, and water pumping—both canal and underground potable water and for irrigation use. These programs are created by LSEs that are responsible for the administration and execution when needed. In some areas, the programs are market driven (CAISO and AESO) and can be called upon for economic considerations. However, most areas in the Western Interconnection are not parties to organized markets and DSM programs are approved by local authorities and used only for the benefit of the approved LSE. DSM programs in WECC often have limitations such as limited number of times they can be called on, and some can only be activated during a declared local emergency.

Entities within WECC are not forecasting a significant increase in controllable demand response. The California ISO's demand response initiative programs are being developed with a goal to avoid adverse long-term reliability impacts.

Energy efficiency and conservation are viewed as a permanent reduction in demand and are reflected as reductions in the load growth forecasts. WECC does not know the explicit demand reductions associated with these programs as these programs are administered by the individual LSEs or ISOs and not by WECC.

Distributed Energy Resources (DERs)—WECC

The impacts of DERs on the individual LSEs are well understood and are included in local assessments. For example, CAISO has approximately 5,000 MW of rooftop solar and must proportionally increase reserves to respond to a sudden increase in demand associated with cloud cover or rain. Historically an increase in cloud cover would cause a decrease in demand, but a loss of rooftop solar has the opposite effect and demand increases. Rooftop solar in California is well dispersed throughout the state, which reduces the expectations of widespread generation disruptions due to cloud cover.

It is estimated that there was about 5,500 MW of rooftop solar installed throughout the Western Interconnection by the end of 2016. That number is forecasted to increase to over 10,000 MW by the end of 2022 and over 17,000 MW by the end of 2027. The CAISO expects to have nearly 13,000 MW of rooftop solar installed in their footprint by the end of 2027.

Many power flow models can include DERs as a data input, but currently none of these models have been approved for use in the Western Interconnection. WECC's Modeling and Validation Work Group (MVWG) is in the process of approving these models for future use.

Generation—WECC

In 2015, the [Western Interconnection Flexibility Assessment](#) was published, which examines the ability of the western grid to reliably function with the anticipated increase in variable generation. Although this assessment has not been updated, the conclusions presented in this paper appear to remain valid under the current and high-renewable RPS requirements.

CAISO has also started a stakeholder process to create a flexible resource element in the California market.

For reliability assessments, WECC applies variable resource capacity discounts based on historic on-peak generation. This process involves identifying the expected summer and winter peak hour for each assessment year and applying the historic 5-year average wind and solar capacity factors associated with that specific hour. WECC's annual update of the base historical data leads to minor changes in discounts, but the process itself has not been changed for

this year's assessment. The method for counting capacity contribution is the same for all resource tiers, but the variability in historic seasonal peak hour generation may produce different capacity factors for each assessment year.

WECC studies expected future study cases that include expected generation retirements. Although it is anticipated that older coal-fired resources will retire in coming years, it is not expected there will be excessive unplanned retirements that cause a severe impact to reliability as these retirements would need approval from state PUCs or ISOs. Individual LSEs and BAs perform retirement studies to determine whether retirements are feasible or to determine the potential impacts to reliability. WECC also develops and compiles 11 Base Cases to be built for the current year study cycle. Those cases include heavy and light load scenarios, which are used by the Transmission Planners and Planning Coordinators to study extreme retirement scenarios.

WECC is not a planning entity and does not approve or reject planned retirements. However, WECC does incorporate announced and planned retirements when creating datasets to be used in planning models. Retirement of generation resources is not currently a major concern as ample generation exists in the Western Interconnection. However, that condition could change over the assessment period. WECC monitors generation retirements and studies the potential impacts to Interconnection-wide reliability associated with announced or planned retirements. The large geographic footprint of the Western Interconnection helps mitigate generation retirements as seasonal transfers, from winter peaking Regions to summer peaking Regions and vice versa, are very common in the Western Interconnection.

Individual state PUCs or the appropriate ISOs conduct studies to determine impacts to reliability. Actual retirements in 2016 were relatively minimal with 475 MW of natural-gas-fired and 290 MW of coal-fired generation retired. Several large generating units, including the coal-fired Intermountain Power Project, the Navajo power plant, and the Diablo Canyon nuclear station, are being considered for future retirement.¹

All natural-gas-fired units are included as available resources when performing resource adequacy assessments, but WECC performs scenario studies modifying the availability of resources. WECC has studied, and continues to study, the potential impacts to electric reliability associated with the limited availability

of the Aliso Canyon natural gas storage facility. Aliso Canyon has been available at a limited capacity for nearly two years, and during that time there have been no electric outages caused by the reduced storage availability. The CAISO continues to work with the impacted natural gas company and the neighboring BAs and Reliability Coordinator to provide mitigation plans to minimize and eliminate the risk to the reliability of the electric transmission grid.

Capacity Transfers—WECC

WECC's assessment process is based on system-wide modeling that aggregates BA-based load and resource forecasts by geographic subregions with conservatively-assumed power transfer capability limits between the zones. The Resource Adequacy Assessment Model calculates transfers between the zones limited to the lesser of excess capacity above the margin needed in the transferring zone or the conservative transmission limit.²

Resources that are physically located in one BA area but are owned by an entity or entities located in another BA's geographic footprint are modeled as remote resources. These resources are modeled with transmission links between the resource zone and the owner's zone that are limited to the owner's share of the resource. This treatment allows the owner of the resource, and only the owner, to count the resource for margin calculations. Remote resources are transferred first in WECC's modeling processes and reduce the capacity available for modeled transfers.

The reliability assessments performed by WECC are done with conservative seasonal transfer limits; therefore, the transfer limits included in this assessment are studied at less than optimal levels and reflect limited and conservative transfers. Transfers with other regional councils, such as the Midwest Reliability Organization and the Southwest Power Pool, are not included in this assessment as this would require an assumption regarding the amount of surplus or deficit generation in those councils.

¹ These units were not included as certain retirements in this assessment because: 1) These retirements were not reported to WECC, as they do not qualify for retirements under market rules, or 2) these planned retirements have not been finalized and regulatory approval has not been received. These retirements are included as potential retirements in this assessment and are reflected in the Potential Reserve Margin

² Transfers from Existing and Tier 1 resources are classified as firm transfers, and transfers from Tier 2 and Tier 3 resources are classified as Nonfirm transfers. This modeling approach ensures that resources are only counted once within the Region.

Transmission Planning—WECC

Transmission Planning in the Western Interconnection is coordinated by five³ Regional Planning Groups, which create and periodically publish Transmission Expansion plans:

- [Northern Tier Transmission Group](#)
- [WestConnect](#)
- [ColumbiaGrid](#)
- [California ISO](#)
- [Alberta Electric System Operator](#)

³ A sixth Regional Planning Group, The British Columbia Coordinated Planning Group (BCCPG), enables coordination and, where appropriate, integration of the transmission planning functions of transmission owner members. There is no consolidation of the members' long-term transmission plans, however. BCCPG Members include; British Columbia Hydro and Power Authority, FortisBC, Rio Tinto Alcan Inc., Tech Metals Ltd., Columbia Power Corporation.

Several entities have proposed major transmission projects to connect renewable resources on the eastern side of the Western Interconnection to load centers on the Pacific Coast to help satisfy Renewable Portfolio Standards—particularly in California. These projects, however, are often subject to significant development delays due to permitting and other issues. Currently, it is not anticipated that transmission additions will be needed to maintain reliability in the Western Interconnection during the assessment period, but transmission additions will continue to interconnect renewable resources.

Individual LSEs and BAs perform extreme weather scenario studies to determine the potential impacts to reliability. WECC develops the Base Case compilation schedule that details the 11 cases to be built for the current year study cycle. Those cases include heavy and light load scenarios that are used by the TP and PC to study extreme weather scenarios.

Data Concepts and Assumptions

Demand (Load Forecast)	
Total Internal Demand	The <u>peak hourly load</u> for the summer and winter of each year. ¹ Projected Total Internal Demand is based on normal weather (50/50 distribution) ² and includes the impacts of distributed resources, energy efficiency, and conservation programs. ³
Net Internal Demand	Total Internal Demand, reduced by the amount of Controllable and Dispatchable Demand Response projected to be available during the peak hour. Net Internal Demand is used in all Reserve Margin calculations.

Load Forecasting Assumptions by Assessment Area			
Assessment Area	Peak Season	Coincident / Noncoincident ¹	Load Forecasting Entity
FRCC	Summer	Noncoincident	FRCC LSEs
MISO	Summer	Coincident	MISO LSEs
MRO-Manitoba Hydro	Winter	Noncoincident	Manitoba Hydro
MRO-SaskPower	Winter	Coincident	SaskPower
NPCC-Maritimes	Winter	Noncoincident	Maritimes Sub Areas
NPCC-New England	Summer	Coincident	ISO-NE
NPCC-New York	Summer	Coincident	NYISO
NPCC-Ontario	Summer	Coincident	IESO
NPCC-Québec	Winter	Coincident	Hydro Québec
PJM	Summer	Coincident	PJM
SERC-E	Summer	Noncoincident	SERC LSEs
SERC-N	Summer	Noncoincident	SERC LSEs
SERC-SE	Summer	Noncoincident	SERC LSEs
SPP	Summer	Noncoincident	SPP Members
Texas RE-ERCOT	Summer	Coincident	ERCOT
WECC-AESO	Winter	Noncoincident	Individual Balancing Authorities (BA); aggregated by WECC
WECC-BC	Winter	Noncoincident	Individual Balancing Authorities (BA); aggregated by WECC
WECC-CAMX	Summer	Noncoincident	Individual Balancing Authorities (BA); aggregated by WECC
WECC-NWPP-US	Summer	Noncoincident	Individual Balancing Authorities (BA); aggregated by WECC
WECC-RMRG	Summer	Noncoincident	Individual Balancing Authorities (BA); aggregated by WECC
WECC-SRSG	Summer	Noncoincident	Individual Balancing Authorities (BA); aggregated by WECC

¹ The summer season represents June–September and the winter season represents December–February.

² Essentially, this means that there is a 50 percent probability that actual demand will be higher and a 50 percent probability that actual demand will be lower than the value provided for a given season/year.

³ Coincident: The sum of two or more peak loads that occur in the same hour. Noncoincident: The sum of two or more peak loads on individual systems that do not occur in the same time interval. Meaningful only when considering loads within a limited period of time, such as a day, a week, a month, a heating or cooling season, and usually for not more than one year.

⁴ Coincident: The sum of two or more peak loads that occur in the same hour. Noncoincident: The sum of two or more peak loads on individual systems that do not occur in the same time interval. Meaningful only when considering loads within a limited period of time, such as a day, a week, a month, a heating or cooling season, and usually for not more than one year.

Resource Categories

NERC collects projections for the amount of existing and planned capacity and net capacity transfers (between assessment areas) that will be available during the forecast hour of peak demand for the summer and winter seasons of each year. Resource planning methods vary throughout the North American BPS. NERC uses the following categories to provide a consistent approach for collecting and presenting resource adequacy:

Anticipated Resources:

- Existing-Certain Generating Capacity: includes operable capacity expected to be available to serve load during the peak hour with firm transmission
- Tier 1 Capacity Additions: includes capacity that is either under construction or has received approved planning requirements
- Firm Capacity Transfers (Imports Minus Exports): transfers with firm contracts
- Less Confirmed Retirements⁵

Prospective Resources (including all Anticipated Resources plus the following):

- Existing-other capacity: includes operable capacity that could be available to serve load during the peak hour, but lacks firm transmission and could be unavailable during the peak or a number of reasons
- Tier 2 capacity additions: includes capacity that has been requested but not received approval for planning requirements
- Expected (nonfirm) capacity transfers (imports minus exports): transfers without firm contracts, but a high probability of future implementation
- Less unconfirmed retirements⁶

Planning Reserve Margins

Planning Reserve Margins

The primary metric used to measure resource adequacy, defined as the difference in resources (Anticipated or Prospective) and Net Internal Demand, divided by Net Internal Demand, shown as a percentile

$$\text{Anticipated Reserve Margin} = \frac{(\text{Anticipated Resources} - \text{Net Internal Demand})}{\text{Net Internal Demand}}$$

$$\text{Prospective Reserve Margin} = \frac{(\text{Prospective Resources} - \text{Net Internal Demand})}{\text{Net Internal Demand}}$$

Reference Margin Level

The assumptions and naming convention of this metric vary by assessment area. The Reference Margin Level can be determined by using both deterministic and probabilistic (based on a 0.1/year loss of load study) approaches. In both cases, this metric is used by system planners to quantify the amount of reserve capacity in the system above the forecasted peak demand that is needed to ensure sufficient supply to meet peak loads. Establishing a Reference Margin Level is necessary to account for long-term factors of uncertainty involved in system planning, such as unexpected generator outages and extreme weather impacts that could lead to increase demand, beyond what was projected in the 50/50 load forecasted. In many assessment areas, a Reference Margin Level is established by a state, provincial authority, ISO/RTO, or other regulatory body. In some cases, the Reference Margin Level is a requirement. Reference Margin Levels can fluctuate over the duration of the assessment period, or may be different for the summer and winter seasons. If a Reference Margin Level is not provided by a given assessment area, NERC applies 15 percent for predominately thermal systems and 10 percent for predominately hydro systems.

⁵ Generators that have formally announced retirement plans. These units must have an approved generator deactivation request where applicable.

⁶ Capacity that is expected to retire based on the result of an assessment area generator survey or analysis. This capacity is aggregated by fuel type.

Errata

March 1, 2018

Page 8: The Y-axis in Figure 2 has been modified to increments of five percent

Page 15: The natural gas on-peak generation data has been updated to promote consistent comparison to previous assessments

Page 35: The reliability impacts and risk assessment recommendations were modified for reactive power requirements for nonsynchronous generation

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 5/7/2018 11:41:57 PM
To: michal_freedhoff@epw.senate.gov
Attachments: EDDSUPP_0001-0017.pdf; ATT00001.txt

I view this as really preliminary due diligence on this Tulsa office issue because I was advised that Whitman used Edison from time to time and certainly more recently McCarthy used the Boston office. I was trying to see if these capabilities already existed in Tulsa not trying to install them all. I've known Jim for years and trust him to provide me straight information.

Ultimately we do have an office in Tulsa with a lease on a 350 sq foot space through 2022. We've had it since 2012. Even though we thought capabilities may exist in the huge Corps facility in Tulsa we didn't pursue either. In fact, there was an additional 3,000 sq feet adjacent to the 350 sq ft space in the building in which we currently lease space. I didn't pursue leasing anymore space, and it ultimately simply wasn't needed to have any working space in Tulsa.

I look at it as looking into an idea, checked out what options might exist for what might be needed, did it well before I got there to try to have one less thing to do, and decided not to pursue any of it.

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 2/6/2017 1:31:34 PM
Subject: FW: Tulsa Office Space

From: Blizzard, James
Sent: Wednesday, February 01, 2017 8:43 AM
To: Reeder, John
Subject: RE: Tulsa Office Space

Just scoping it out.
Yes, I am in.

From: Reeder, John
Sent: Wednesday, February 01, 2017 8:41 AM
To: Blizzard, James <Blizzard.James@epa.gov>
Subject: RE: Tulsa Office Space

And we need to know who is representing Mr. Pruitt. Until he's actually confirmed, even working on this can be tricky.
Are you in the office today?

From: Blizzard, James
Sent: Wednesday, February 01, 2017 8:35 AM
To: Reeder, John <Reeder.John@epa.gov>
Subject: RE: Tulsa Office Space

I agree. I'll let you know who to connect with at GSA.

From: Reeder, John
Sent: Wednesday, February 01, 2017 8:33 AM
To: Blizzard, James <Blizzard.James@epa.gov>
Subject: RE: Tulsa Office Space

Jim,
I think it's time to bring in Donna Vizian and her team, especially since EPA will likely need to pay for such space.
GSA rents to agencies... doesn't provide without cost, at least based on anything I've heard before. This is moving quickly out of the OCIR realm.

Let me know if you agree and we can get them interfacing directly with OARM.

Thanks
JReeder

From: Blizzard, James
Sent: Wednesday, February 01, 2017 7:51 AM
To: Reeder, John <Reeder.John@epa.gov>

Subject: Tulsa Office Space

Based on my conversations with Mr. Pruitt's handlers, I have asked GSA to see if there is space in a Tulsa, OK federal building or facility consistent with the following personal, security, and IT parameters:

Mr. Pruitt is interested in a small space – lobby, conference room, personal office. 24-hour access. Garage parking preferred. He will travel with security detail and they will need appropriate space – whatever that is. He will need a secure cabinet or safe, a SCIF for classified communications/information – able to accommodate Presidential communications with cabinet-level officials. I would think a secure computer and phone is necessary, printer, dedicated fax, and the usual office equipment, such as the standard docking station and lap top.

I have indicated to GSA that if such space is identified, I would connect the proper GSA and EPA folks. I trust you will share this with the proper GSA folks. Thanks.

Jim Blizzard
Senior Policy Advisor
Office of Congressional Relations
U. S. Environmental Protection Agency
(202) 564-1695
blizzard.james@epa.gov

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 2/6/2017 1:30:42 PM
Subject: FW: Tulsa Office Space

From: Blizzard, James
Sent: Saturday, February 04, 2017 7:23 AM
To: Reeder, John
Subject: Tulsa Office Space

I am not working this any longer, but yesterday my contact at GSA said that there is one location that could be a possibility based on the stated requirements. It is about 40,000 sq. feet and could be cut down. It is in a GSA-leased building, as the federal building in Tulsa is full. The GSA regional folks are unaware at this point that Mr. Pruitt or EPA is the potential occupier of the space. Appropriate staff at EPA should contact Jim Weller, Region 7 GSA Commissioner for the Public Building Service. Number: 817-978-2522. E-mail: jim.weller@gsa.gov>

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 2/6/2017 1:15:48 PM
Subject: Tulsa Space

Ryan – heard from my GSA contact Friday night – the federal building is full, but they have identified space in a GSA-leased building that could work – fits most of the requirements – it is large - 40,000 sq. ft., but can be reconfigured. I sent John Reeder, acting chief of staff, the GSA Regional Commissioner contact info so he could get it to OARM folks. I hope they are following through, but I have no way of knowing.

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 2/1/2017 2:01:57 PM
Subject: FW: Tulsa Office Space

Wheels in motion - I have also let folks here (OARM, etc.) know, since other than my ask, I would be way out of my league and lane here

I'll keep you posted – let me know if there's anything else you need.

From: Blizzard, James
Sent: Wednesday, February 01, 2017 7:42 AM
To: 'saul.japson@gsa.gov'
Subject: Tulsa Office Space

Saul, based on our conversation, I can give you the following personal, security, and IT parameters for you to see if such space is available in a Tulsa federal building or facility. I appreciate your help. I would imagine that when there is some information from GSA, I would connect the proper folks at GSA with the proper folks here at EPA. Thanks for your help.

Mr. Pruitt is interested in a small space – lobby, conference room, personal office. 24-hour access. Garage parking preferred. He will travel with security detail and they will need appropriate space – whatever that is. He will need a secure cabinet or safe, a SCIF for classified communications/information – able to accommodate Presidential communications with cabinet-level officials. I would think a secure computer and phone is necessary, printer, dedicated fax, and the usual office equipment, such as the standard docking station and lap top.

Please let me know if you need anything else.

Jim Blizzard
Senior Policy Advisor
Office of Congressional Relations
U. S. Environmental Protection Agency
(202) 564-1695
blizzard.james@epa.gov

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 1/31/2017 6:04:13 PM
Subject: RE: Tulsa

Yes – I'll go back to GSA folks

From: Jackson, Ryan (Inhofe) [mailto:Ryan_Jackson@inhofe.senate.gov]
Sent: Tuesday, January 31, 2017 12:56 PM
To: Blizzard, James
Subject: RE: Tulsa

Yes, so a small space. Office for him, meeting room, lobby space but that's largely it I think. I don't envision after hours but I'm sure he would like 24 hour access. Parking in garage would be preferred since he does have a detail and the position is what it is.

He will always travel with OECA. They would need space, however, I'm not sure what to suggest. Simply something consistent with previous Administrators. He will need a SCIF in the event he is working on spill info or otherwise protected information. Of course when the President communicates with the Cabinet those communications are protected so we will need to be able to accommodate that. I think a secure computer and phone is necessary, printer, fax, and usual office equipment. I'm unsure about the docking station and lap top. Let's go with that set up because it seems more convenient to me.

Why are we worried about a line item in an appropriations bill? That's not a good idea and other EPA space around the country isn't listed in Interior Appropriations bills each year.

Much appreciated for this. Does this help?

From: Blizzard, James [mailto:Blizzard.James@epa.gov]
Sent: Tuesday, January 31, 2017 12:49 PM
To: Jackson, Ryan (Inhofe) <Ryan_Jackson@inhofe.senate.gov>
Subject: Tulsa

Spoke with guys at GSA – they indicate there is a federal building or facility there – the questions:

Personal

How much space is he looking for – one room? – anteroom? Private bathroom? After hours/weekend access? Parking in garage or open lot?

Security

Security detail with him? Do they need space? Safe or other secure cabinet? Secure room for classified information access?

IT

Secure computer? Secure phone? Computer requirements beyond standard lap top? Docking station? Monitor? Dedicated Fax? Printer?

They were going to check to see if the cost for the space would be rolled into EPA bill and not show as a specific line item. They thought these questions would be the same if we were to lease our own EPA space or whether we would come to some arrangement with another agency.

What would you like me to do?

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 1/31/2017 5:49:26 PM
Subject: Tulsa

Spoke with guys at GSA – they indicate there is a federal building or facility there – the questions:

Personal

How much space is he looking for – one room? – anteroom? Private bathroom? After hours/weekend access? Parking in garage or open lot?

Security

Security detail with him? Do they need space? Safe or other secure cabinet? Secure room for classified information access?

IT

Secure computer? Secure phone? Computer requirements beyond standard lap top? Docking station? Monitor? Dedicated Fax? Printer?

They were going to check to see if the cost for the space would be rolled into EPA bill and not show as a specific line item. They thought these questions would be the same if we were to lease our own EPA space or whether we would come to some arrangement with another agency.

What would you like me to do?

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 1/31/2017 1:51:08 PM
Subject: RE: Tulsa

Only if there's precedent – then 'acting' might be more inclined to move on it.

From: Jackson, Ryan (Inhofe) [mailto:Ryan_Jackson@inhofe.senate.gov]
Sent: Tuesday, January 31, 2017 8:45 AM
To: Blizzard, James
Subject: Re: Tulsa

Is it worth us talking to the OARM acting?

Ryan Jackson
Chief of Staff
U.S. Senator James M. Inhofe
205 Russell Senate Office Bldg.
Washington, D.C. 20510
(202) 224-4721

On Jan 31, 2017, at 8:38 AM, Blizzard, James <Blizzard.James@epa.gov> wrote:

I'll look for precedents and talk with GSA.
Alice Yates that used to be with Levin? I know her.

From: Jackson, Ryan (Inhofe) [mailto:Ryan_Jackson@inhofe.senate.gov]
Sent: Tuesday, January 31, 2017 8:37 AM
To: Blizzard, James <Blizzard.James@epa.gov>
Subject: Re: Tulsa

There's a big corps of engineers presence in Tulsa and BLM space downtown Tulsa. All my GSA contacts left at the end of obama administration. Not particularly that great except Alice Yates.

Ryan Jackson
Chief of Staff
U.S. Senator James M. Inhofe
205 Russell Senate Office Bldg.
Washington, D.C. 20510
(202) 224-4721

On Jan 31, 2017, at 8:32 AM, Blizzard, James <Blizzard.James@epa.gov> wrote:

With that I'll ask some more.

From: Jackson, Ryan (Inhofe) [mailto:Ryan_Jackson@inhofe.senate.gov]
Sent: Tuesday, January 31, 2017 8:02 AM
To: Blizzard, James <Blizzard.James@epa.gov>
Subject: Re: Tulsa

Yeah I agreed that gifted spaces are a problem. I'd rather keep it official and in some GSA space. He'll work from home for sure. Everyone does but I know he'll appreciate an actual office in Tulsa to take meetings.

Ryan Jackson
Chief of Staff
U.S. Senator James M. Inhofe
205 Russell Senate Office Bldg.
Washington, D.C. 20510
(202) 224-4721

On Jan 31, 2017, at 7:54 AM, Blizzard, James <Blizzard.James@epa.gov> wrote:

Ryan – I've done some preliminary checking and it seems that as Administrator, the nature of the beast is that he is always working – never 'off-the-clock' so to speak. When he is at home in Tulsa, he can have (and I understand Gina had) an episodic telework agreement – that affords him the opportunity to work from home officially. I have attached my agreement so you can get an idea of the details.

If that is not the preferred option, let me know. Telework agreements do not have to be only at personal residences, but 'gifted' or 'donated' space could be an optics issue. We can investigate other Federal agencies with office space in Tulsa, or even Congressional space in Tulsa, such as Sen. Inhofe's district office, but I didn't want to wave that flag yet. Again, optics. But let me know.

Thx.

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 1/31/2017 1:38:42 PM
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Alice Yates that used to be with Levin? I know her.

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Thx.

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 1/31/2017 1:32:11 PM
Subject: RE: Tulsa

With that I'll ask some more.

From: Jackson, Ryan (Inhofe) [mailto:Ryan_Jackson@inhofe.senate.gov]
Sent: Tuesday, January 31, 2017 8:02 AM
To: Blizzard, James
Subject: Re: Tulsa

Yeah I agreed that gifted spaces are a problem. I'd rather keep it official and in some GSA space. He'll work from home for sure. Everyone does but I know he'll appreciate an actual office in Tulsa to take meetings.

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Thx.

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 1/31/2017 12:52:43 PM
Subject: Tulsa
Attachments: Untitled.msg

Ryan – I've done some preliminary checking and it seems that as Administrator, the nature of the beast is that he is always working – never 'off-the-clock' so to speak. When he is at home in Tulsa, he can have (and I understand Gina had) an episodic telework agreement – that affords him the opportunity to work from home officially. I have attached my agreement so you can get an idea of the details.

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Thx.

From: DC-WJCN-3443-M@epa.gov
To: Blizzard, James
Sent: 1/31/2017 12:47:41 PM
Subject:
Attachments: image2017-01-31-074741.pdf

FILE COPY

AFGE/EPA FLEXIPLACE APPLICATION FORM

Employee Name Jim Blizzard Telephone Ext. 564 Mailcode 1301A
Job Title/Series/Grade Team Ldr.
Division/Office OCIR
☒ New Request ☐ Change Request ☐ Annual Recertification

Ex. 6

Supervisor's Signature Mark Albornell Date 10-27-08
Approving Official's Signature Greg K. Hall Date 10-27-08

NOTE: A copy of this form should be maintained by the employee, the supervisor and a copy sent to the appropriate Flexiplace Coordinators.

Appendix (1)

Appendix (2)
EMPLOYEE SELF-CERTIFICATION SAFETY CHECKLIST

The following checklist is designed to assess the overall safety of the AWL and must be completed, signed and given to your supervisor with your application for the Flexiplace program.

	Yes	No	WA	Comments
1. Is the space free of asbestos material?	/			
2. If NO, is the asbestos undamaged and in good condition?	/			
3. Does the space appear to be free of indoor air quality problems?	/			
4. Is the work space free from excess now?	/			
5. Is water available and drinkable in the space?	/			
6. Is ventilation adequate?	/			
7. Is a bathroom available with hot and cold running water?	/			
8. Are there handrails for stairs with more than 3 steps?	/			
9. Are circuit breakers/fuses in the electrical panel labeled as to intended service?	/			
10. Do circuit breakers clearly indicate if they are opened or closed?	/			
11. Is electrical equipment free of recognized hazards that would cause physical harm (for example, frayed wires, bare conductors, loose wires, exposed wires fixed to the ceiling, a rat's nest of plugs in a single outlet and so on)?	/			
12. Will the building's electrical system permit the grounding of electrical equipment?	/			
13. Are aisles, doorways and corners free of obstructions to permit visibility and movement?	/			
14. Do file cabinets and storage closets open so they do not obstruct walkways?	/			
15. Do chairs have stable and secure wheels/casters?	/			
16. Are rungs and legs of chairs stable and sturdy?	/			
17. Are the phone lines, electrical cords and extension wires safely secured?	/			
18. Is the office free of combustible or materials?	/			
19. Is there adequate electrical lighting to accomplish the work assignments?	/			
20. Are floor surfaces clean, dry and level?	/			
21. Are carpets well secured to the floor and free of frayed or worn seams?	/			
22. Are there any other known safety issues that should be addressed for this work space?	/			

Signing this form does not guarantee that the AWL is hazard free, but does verify that the employee has made a reasonably careful inspection for potential hazards. Employees are responsible for informing their supervisors of any changes to their AWL which could impact on health and safety of the employee and others.

Employee's Signature

Date

11-27-08

Supervisor's Signature

Date

10-22-08

AFGE/EPA FLEXIPLACE WORK AGREEMENT

All terms set forth in the AFGE/EPA Flexiplace Agreement ("Flexiplace Agreement") are hereby incorporated by reference in this work agreement.

Name Jim Blizzard Mailcode 1301 A

1. Employee agrees to adhere to the AFGE/EPA Flexiplace Agreement. EPA, hereinafter referred to as Agency, concurs with employee participation and agrees to adhere to the AFGE/EPA Flexiplace Agreement.
2. Duty Station. All pay, special salary rates, leave and travel entitlements will be based on the employee's official duty station.

Ex. 6

4. Employee's timekeeper will have a copy of the employee's Flexiplace schedule. Employee's time and attendance will be recorded as Flexiplace Time using a special code established for this purpose. Employee's supervisor will certify bi-weekly time and attendance for hours worked. Employee must complete the "Employee Self-Certification Time and Attendance Report" (Attachment I) and return it to his or her supervisor on a bi-weekly basis.
5. Employees performing work at the alternative work location will follow established procedures for requesting and obtaining approval of leave, consistent with Article 29 of the Master Collective Bargaining Agreement.
6. Employees performing work at the AWL are subject to the same maximum workday limits as they would be if they were performing work at the official duty station. Employees performing work at the AWL are not authorized to work overtime or official compensatory time, except in special circumstances (e.g., to meet priority needs of the Agency). In these situations, prior approval must be obtained from their supervisor.

Appendix (3)

7. An employee who is authorized to use Agency equipment will protect the Agency equipment in accordance with the procedures established in FIRMIR Bulletin 30, dated October 15, 1985. An employee who provides his/her own equipment is responsible for installing, servicing, and maintaining it.
8. Provided the employee is given at least 24 hours advance notice, the employee agrees to permit periodic inspections of his/her AWL during the employee's normal working hours to ensure site conformance with safety standards and other specifications in these guidelines. Such inspections will occur only on days when the employee is working at the AWL.
9. Questions related to claims for personal property damage or loss or personal injury related to the employee's performance of official duties should be directed to the servicing Human Resources Office. The Agency will address issues of employee or Agency liability in accordance with the specific facts of each case and under the provisions of the Federal Employees Claims Act, the Federal Tort Claims Act, the Military Personnel and Civilian Employees Claims Act, and local law as appropriate.
10. The Agency will not be responsible for operating costs, home maintenance, homeowners or renters insurance, or other residential costs except the Agency will install and pay the cost for authorized telephone expenses (including toll calls) incurred for official Agency business.
11. The Agency will provide necessary office supplies that are regularly available at the Agency (such as paper, pens, printer ribbons, diskettes, envelopes, tape, staples, etc.).
12. EPA may provide telephone credit cards or may reimburse an employee working under an approved Flexiplace Agreement for business-related long-distance and toll calls on his/her personal phone. EPA may install telephone lines and other necessary equipment and pay monthly telephone charges in private residences under special circumstances. The Agency reserves the right to determine the most cost-effective manner of covering telecommunications costs.
13. Employees are expected to plan for and accomplish necessary photocopying, mail, and facsimile transmissions at the regular work site. In emergency situations, and with the prior approval of the supervisor, costs associated with the copying of work-related materials, facsimile charges, express mail, etc., may be reimbursed.
14. The employee is covered under the Federal Employee's Compensation Act (FECA) if injured in the course of performing official duties at the official or alternate duty location, in accordance with applicable Department of Labor regulations and standards governing FECA liability.
(NOTE: Any accident or injury occurring at the alternate duty station must be brought to the immediate attention of the supervisor and the servicing Human Resources Office. Because an employment-related accident sustained by an employee participating in the Flexiplace Program could occur outside the premises of the official duty station, the supervisor must investigate all reports immediately following notification.)

15. The employee must complete the "Employee Self-Certification Safety Checklist," which identifies significant safety standards that should be met, and submit it to his/her supervisor prior to participating in the Flexiplace Program.
16. The employee will communicate as needed with his/her supervisor to receive assignments and have completed work reviewed in accordance with the supervisor's instructions.
17. The employee will complete all assigned work in accordance with his/her supervisor's instructions. Progress reviews under Article 34 as revised by the parties will be used by the supervisor in his/her assessment of the employee's job performance. The supervisor will evaluate employee's job performance against performance standards established in the employee's performance agreement.
18. To participate in the Flexiplace Program, an employee must have a performance rating of at least Fully Successful (level 3 or equivalent) in the rating of record.
19. The employee agrees to use approved safeguards to protect Agency records from unauthorized disclosure or damage and to comply with the requirements set forth in the Privacy Act of 1974, as amended, 5 U.S.C. 552a, and those concerning release of confidential business information (CBI) as set forth in 40 C.F.R. Part U, Subpart B and EPA's TSCA Confidential Business Information Security Manual .
20. An employee may terminate his/her Flexiplace arrangement at any time without prejudice and return to his/her official duty station. Employee notice to the supervisor should be in writing and acknowledged by the supervisor to prevent misunderstandings about the employee's work location.
21. The Agency may remove an employee from the Flexiplace Program based on the employee's failure to adhere to the requirements specified in the Flexiplace Program Agreement and/or any performance or conduct issues or concerns which adversely affect or alter the terms of this agreement. When a decision is made to remove an employee from the Flexiplace Program, the employee must be given written notice indicating the reason(s) for removal. The employee may reapply for Flexiplace Program participation one year after removal from the Program, provided that her/his performance and conduct are fully satisfactory, and meets all other eligibility requirements.
22. The employee agrees to perform his/her officially assigned duties at either the official duty station , the alternative work location or while on official travel. Failure to comply with this provision may result in administrative action, such as charge of leave, loss of pay, termination of participation in the program, or disciplinary action, as warranted, based on the situation.
23. The employee agrees not to conduct unauthorized personal business while in official duty status at the official or alternate work location (e.g., dependent care, home repairs, real estate transactions). The employee agrees to arrange for any dependent care and other personal responsibilities so as to insure that the employee can work without interruption. Flexiplace is not a substitute for dependent care.

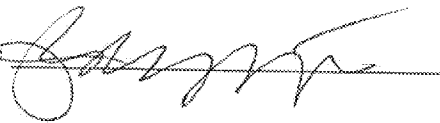
24. This Agreement does not restrict the employee's right to change schedules in accordance with existing agreements. If a permanent change of schedule is approved, the schedule in the application package will be changed accordingly and initialed by both the employee and the supervisor.

25. The employee and the supervisor agree to attend the required training and orientation prior to participation in the Flexiplace Program.

26. An employee must be willing to report to the official work site without delay if unexpectedly needed.

I have read and understood all the provisions of this work agreement and agree to abide by them.

Employee's Signature



Date

10-27-08

EPA concurs with the participation of this employee and agrees to adhere to the provisions of this agreement.

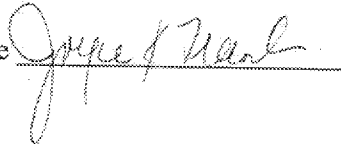
Supervisor's Signature



Date

10-27-08

Approving Official's Signature



Date

10-27/08

Employee Name Jim. Blayzard
Official Tour of Duty:

Ex. 6

Appendix (4)

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 1/30/2017 3:24:44 PM
Subject: Re: RE: RE:

Got it
Let me see

Sent from my iPhone

> On Jan 30, 2017, at 10:22 AM, Jackson, Ryan (Inhofe) wrote:
>
> Left you a message to explain it more but essentially I want to talk to OARM. Pruitt wants to know when he goes home to Tulsa, Oklahoma where he can work.
>
> I don't think EPA has any offices in Oklahoma with the big exception of the Ada lab. But Ada is 150 miles from Tulsa.
>
> I wanted to see if OARM and GSA could put their heads together to get something prepared for him.
>
> -----Original Message-----
> From: Blizzard, James [mailto:Blizzard.James@epa.gov]
> Sent: Monday, January 30, 2017 10:12 AM
> To: Jackson, Ryan (Inhofe)
> Subject: Re: RE:

> Yes And yes
> Just let me know

> Sent from my iPhone

>> On Jan 30, 2017, at 10:02 AM, Jackson, Ryan (Inhofe) wrote:
>>
>> Are you staying?
>>
>> Can you help me with something?

>> -----Original Message-----
>> From: Blizzard, James [mailto:Blizzard.James@epa.gov]
>> Sent: Monday, January 30, 2017 8:43 AM
>> To: Jackson, Ryan (Inhofe)
>> Subject: Re:

>> I don't want to miss this show!

>> Sent from my iPhone

>>> On Jan 30, 2017, at 8:29 AM, Jackson, Ryan (Inhofe) wrote:
>>>
>>> Jim, I wanted to see if you retired from EPA.

>>>
>>> _____
>>> Ryan Jackson
>>> Chief of Staff
>>> U.S. Senator James M. Inhofe
>>> 205 Russell Senate Office Bldg.
>>> Washington, D.C. 20510
>>> (202) 224-4721

>>
>

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 1/30/2017 3:11:47 PM
Subject: Re: RE:

Yes And yes
Just let me know

Sent from my iPhone

> On Jan 30, 2017, at 10:02 AM, Jackson, Ryan (Inhofe) wrote:

>
> Are you staying?
>
> Can you help me with something?
>
> -----Original Message-----
> From: Blizzard, James [mailto:Blizzard.James@epa.gov]
> Sent: Monday, January 30, 2017 8:43 AM
> To: Jackson, Ryan (Inhofe)
> Subject: Re:

>
> I don't want to miss this show!

>
>
> Sent from my iPhone

>> On Jan 30, 2017, at 8:29 AM, Jackson, Ryan (Inhofe) wrote:

>>
>> Jim, I wanted to see if you retired from EPA.

>>
>> _____
>> Ryan Jackson
>> Chief of Staff
>> U.S. Senator James M. Inhofe
>> 205 Russell Senate Office Bldg.
>> Washington, D.C. 20510
>> (202) 224-4721

>>
>

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 1/30/2017 1:43:06 PM
Subject: Re:

I don't want to miss this show!

Sent from my iPhone

> On Jan 30, 2017, at 8:29 AM, Jackson, Ryan (Inhofe) wrote:
>
> Jim, I wanted to see if you retired from EPA.
>
>
> _____
> Ryan Jackson
> Chief of Staff
> U.S. Senator James M. Inhofe
> 205 Russell Senate Office Bldg.
> Washington, D.C. 20510
> (202) 224-4721
>

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 1/4/2017 2:06:20 PM
Subject: RE: Happy New Year

Thanks Ryan

Thoughts on reaching out to Rob? I don't have any ties to Hatch – this agency doesn't interact with him much – but I'd like to make sure this office does its part in helping with the process when it is able and when it can. Could be a rough ride for Pruitt's son during this process –

Always here to help if I can.

From: Jackson, Ryan (Inhofe) [mailto:Ryan_Jackson@inhofe.senate.gov]
Sent: Wednesday, January 04, 2017 8:33 AM
To: Blizzard, James
Subject: RE: Happy New Year

Hey, happy new year.

I'm back in the personal office as of yesterday. I'm still Senator Inhofe's chief of staff. The meeting with the Senators tomorrow was just to help provide what to expect as you would imagine. The Sherpa for the nomination is Rob Porter. Rob is Senator Hatch's chief of staff. His transition email is Robert.r.porter@ptt.gov. Pruitt's made some member calls over the break and started meetings yesterday. He's getting some good Democratic response to his outreach. Most importantly helping him prepare for the hearing and meetings. Things actually look really good. He'll be a good guy. I've actually known him for some time, tried to help his AG office on issues from time to time, invited him to DC to testify. He's friends with Inhofe actually. They've campaigned together. In fact, nearly 20 years ago one of my best friends was his campaign manager when he ran for Congress in Tulsa unsuccessfully when he was in the state Senate. Pruitt's a studious guy, definitely a hard worker, ensures he's well prepared. I really like the guy. He's just a good guy. Daughter interned in the office and was a cheerleader at OU. I think he has two kids. His son is working in our office this January. He's definitely coming over. I mean this guy's getting confirmed. He's just good and Dems will have to shift target to something else. You'll enjoy working with him.

From: Blizzard, James [mailto:Blizzard.James@epa.gov]
Sent: Wednesday, January 04, 2017 8:25 AM
To: Jackson, Ryan (Inhofe) <Ryan_Jackson@inhofe.senate.gov>
Subject: Happy New Year

Where are you landing? Staying with Committee or with the Senator?

I understand Pruitt was around – are you able to say who his handlers were? Any follow-up for Senator Inhofe or Barrasso if you know.

Thanks Ryan.

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 1/4/2017 1:25:27 PM
Subject: Happy New Year

Where are you landing? Staying with Committee or with the Senator?

I understand Pruitt was around – are you able to say who his handlers were? Any follow-up for Senator Inhofe or Barrasso if you know.

Thanks Ryan.

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 5/7/2018 11:36:49 PM
To: Marin, Mark [Mark.Marin@mail.house.gov]
Subject: Re: EDDSUPP_0001-0017.pdf. Emails

Anytime. I have an 8:30 with Pruitt waiting for rest of the schedule.

Ryan Jackson
Chief of Staff
U.S. EPA
Ex. 6

> On May 7, 2018, at 7:29 PM, Marin, Mark <Mark.Marin@mail.house.gov> wrote:
>
> Thanks. Time for a call tomorrow morning? If so, name a time that's good. Thanks Ryan.
>
>> On May 7, 2018, at 7:27 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:
>>
>> Just wanted to ensure you had a copy too.
>>
>>
>> Ryan Jackson
>> Chief of Staff
>> U.S. EPA
>> Ex. 6
>>
>>
>> Begin forwarded message:
>>
>> From: "Jackson, Ryan" <jackson.ryan@epa.gov<mailto:jackson.ryan@epa.gov>>
>> To: "Joe Brazauskas" <joseph.brazauskas@mail.house.gov<mailto:joseph.brazauskas@mail.house.gov>>
>> Subject: EDDSUPP_0001-0017.pdf. Emails
>>
>> Joe, it's taken me until now to find these emails because I couldn't remember who I sent it to and frankly what I asked for or how I asked for it.
>>
>> Here's the infamous email chain which House Science Committee Democrats have really overblown in their press release. I wasn't sure you had been shown anything, but I feel sure your minority doesn't have the whole trail attached. I didn't know what to say at the time it was released because frankly I couldn't remember what I wrote. Scroll through this and it's two old buddies talking to each other trying to do some really preliminary due diligence on this Tulsa office issue because I was advised that Whitman used Edison from time to time and certainly more recently McCarthy used the Boston office. I was trying to see if these capabilities already existed in Tulsa not trying to install them all. I've known Jim for years and trust him to provide me straight information. He was a political appointee under Reagan. Sad he's retired. Just wanted you to see the actual conversation.
>>
>> Ultimately we did and do have an office in Tulsa with a lease on a 350 sq foot space through 2022. We've had it since 2012. Even though we thought what capabilities may exist in the huge Corps facility in Tulsa we didn't pursue either. In fact, there was an additional 3,000 sq feet adjacent to the 350 sq ft space in the building in which we currently lease space. I didn't pursue leasing anymore space, and it ultimately simply wasn't needed to have any working space in Tulsa.
>>
>> In short, this was my whole due diligence with the situation. Looked into an idea, checked out what options might exist for what might be needed, did it well before I got there to try to have one less thing to do, and decided not to pursue any of it. I mean sometimes that happens too.
>>
>> Thought this would help and be interesting. It's entirely unredacted but I can't imagine much of it would need it. And I just wanted to provide it to you.
>>
>>
>> <EDDSUPP_0001-0017.pdf>
>>>
>>>

>>>
>>>
>>>
>>>
>>>
>>>
>>> Ryan Jackson
>>> Chief of Staff
>>> U.S. EPA
>>>

Ex. 6

>>>

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 5/5/2018 3:13:12 PM
To: richard_russell@epw.senate.gov
Subject: EDDSUPP_0001-0017.pdf
Attachments: EDDSUPP_0001-0017.pdf; ATT00001.htm

I wanted to provide this to you guys. Here's the infamous email chain which I guarantee you John Reeder provided to House Science Committee Democrats which they have really overblown in their press release. I didn't know what to say at the time because frankly I didn't know what I wrote. Scroll through this and it's two old buddies talking to each other trying to do some really preliminary due diligence on this Tulsa office issue because I was advised that Whitman used Edison from time to time and certainly more recently McCarthy used the Boston office. I've known Jim for years. Sad he's retired. Just wanted you to see the actual conversation.

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 2/6/2017 1:31:34 PM
Subject: FW: Tulsa Office Space

From: Blizzard, James
Sent: Wednesday, February 01, 2017 8:43 AM
To: Reeder, John
Subject: RE: Tulsa Office Space

Just scoping it out.
Yes, I am in.

From: Reeder, John
Sent: Wednesday, February 01, 2017 8:41 AM
To: Blizzard, James <Blizzard.James@epa.gov>
Subject: RE: Tulsa Office Space

And we need to know who is representing Mr. Pruitt. Until he's actually confirmed, even working on this can be tricky.
Are you in the office today?

From: Blizzard, James
Sent: Wednesday, February 01, 2017 8:35 AM
To: Reeder, John <Reeder.John@epa.gov>
Subject: RE: Tulsa Office Space

I agree. I'll let you know who to connect with at GSA.

From: Reeder, John
Sent: Wednesday, February 01, 2017 8:33 AM
To: Blizzard, James <Blizzard.James@epa.gov>
Subject: RE: Tulsa Office Space

Jim,
I think it's time to bring in Donna Vizian and her team, especially since EPA will likely need to pay for such space.
GSA rents to agencies... doesn't provide without cost, at least based on anything I've heard before. This is moving quickly out of the OCIR realm.

Let me know if you agree and we can get them interfacing directly with OARM.

Thanks
JReeder

From: Blizzard, James
Sent: Wednesday, February 01, 2017 7:51 AM
To: Reeder, John <Reeder.John@epa.gov>

Subject: Tulsa Office Space

Based on my conversations with Mr. Pruitt's handlers, I have asked GSA to see if there is space in a Tulsa, OK federal building or facility consistent with the following personal, security, and IT parameters:

Mr. Pruitt is interested in a small space – lobby, conference room, personal office. 24-hour access. Garage parking preferred. He will travel with security detail and they will need appropriate space – whatever that is. He will need a secure cabinet or safe, a SCIF for classified communications/information – able to accommodate Presidential communications with cabinet-level officials. I would think a secure computer and phone is necessary, printer, dedicated fax, and the usual office equipment, such as the standard docking station and lap top.

I have indicated to GSA that if such space is identified, I would connect the proper GSA and EPA folks. I trust you will share this with the proper GSA folks. Thanks.

Jim Blizzard
Senior Policy Advisor
Office of Congressional Relations
U. S. Environmental Protection Agency
(202) 564-1695
blizzard.james@epa.gov

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 2/6/2017 1:30:42 PM
Subject: FW: Tulsa Office Space

From: Blizzard, James
Sent: Saturday, February 04, 2017 7:23 AM
To: Reeder, John
Subject: Tulsa Office Space

I am not working this any longer, but yesterday my contact at GSA said that there is one location that could be a possibility based on the stated requirements. It is about 40,000 sq. feet and could be cut down. It is in a GSA-leased building, as the federal building in Tulsa is full. The GSA regional folks are unaware at this point that Mr. Pruitt or EPA is the potential occupier of the space. Appropriate staff at EPA should contact Jim Weller, Region 7 GSA Commissioner for the Public Building Service. Number: 817-978-2522. E-mail: jim.weller@gsa.gov>

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 2/6/2017 1:15:48 PM
Subject: Tulsa Space

Ryan – heard from my GSA contact Friday night – the federal building is full, but they have identified space in a GSA-leased building that could work – fits most of the requirements – it is large - 40,000 sq. ft., but can be reconfigured. I sent John Reeder, acting chief of staff, the GSA Regional Commissioner contact info so he could get it to OARM folks. I hope they are following through, but I have no way of knowing.

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 2/1/2017 2:01:57 PM
Subject: FW: Tulsa Office Space

Wheels in motion - I have also let folks here (OARM, etc.) know, since other than my ask, I would be way out of my league and lane here
I'll keep you posted – let me know if there's anything else you need.

From: Blizzard, James
Sent: Wednesday, February 01, 2017 7:42 AM
To: 'saul.japson@gsa.gov'
Subject: Tulsa Office Space

Saul, based on our conversation, I can give you the following personal, security, and IT parameters for you to see if such space is available in a Tulsa federal building or facility. I appreciate your help. I would imagine that when there is some information from GSA, I would connect the proper folks at GSA with the proper folks here at EPA. Thanks for your help.

Mr. Pruitt is interested in a small space – lobby, conference room, personal office. 24-hour access. Garage parking preferred. He will travel with security detail and they will need appropriate space – whatever that is. He will need a secure cabinet or safe, a SCIF for classified communications/information – able to accommodate Presidential communications with cabinet-level officials. I would think a secure computer and phone is necessary, printer, dedicated fax, and the usual office equipment, such as the standard docking station and lap top.

Please let me know if you need anything else.

Jim Blizzard
Senior Policy Advisor
Office of Congressional Relations
U. S. Environmental Protection Agency
(202) 564-1695
blizzard.james@epa.gov

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 1/31/2017 6:04:13 PM
Subject: RE: Tulsa

Yes – I'll go back to GSA folks

From: Jackson, Ryan (Inhofe) [mailto:Ryan_Jackson@inhofe.senate.gov]
Sent: Tuesday, January 31, 2017 12:56 PM
To: Blizzard, James
Subject: RE: Tulsa

Yes, so a small space. Office for him, meeting room, lobby space but that's largely it I think. I don't envision after hours but I'm sure he would like 24 hour access. Parking in garage would be preferred since he does have a detail and the position is what it is.

He will always travel with OECA. They would need space, however, I'm not sure what to suggest. Simply something consistent with previous Administrators. He will need a SCIF in the event he is working on spill info or otherwise protected information. Of course when the President communicates with the Cabinet those communications are protected so we will need to be able to accommodate that. I think a secure computer and phone is necessary, printer, fax, and usual office equipment. I'm unsure about the docking station and lap top. Let's go with that set up because it seems more convenient to me.

Why are we worried about a line item in an appropriations bill? That's not a good idea and other EPA space around the country isn't listed in Interior Appropriations bills each year.

Much appreciated for this. Does this help?

From: Blizzard, James [mailto:Blizzard.James@epa.gov]
Sent: Tuesday, January 31, 2017 12:49 PM
To: Jackson, Ryan (Inhofe) <Ryan_Jackson@inhofe.senate.gov>
Subject: Tulsa

Spoke with guys at GSA – they indicate there is a federal building or facility there – the questions:

Personal

How much space is he looking for – one room? – anteroom? Private bathroom? After hours/weekend access? Parking in garage or open lot?

Security

Security detail with him? Do they need space? Safe or other secure cabinet? Secure room for classified information access?

IT

Secure computer? Secure phone? Computer requirements beyond standard lap top? Docking station? Monitor? Dedicated Fax? Printer?

They were going to check to see if the cost for the space would be rolled into EPA bill and not show as a specific line item. They thought these questions would be the same if we were to lease our own EPA space or whether we would come to some arrangement with another agency.

What would you like me to do?

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 1/31/2017 5:49:26 PM
Subject: Tulsa

Spoke with guys at GSA – they indicate there is a federal building or facility there – the questions:

Personal

How much space is he looking for – one room? – anteroom? Private bathroom? After hours/weekend access? Parking in garage or open lot?

Security

Security detail with him? Do they need space? Safe or other secure cabinet? Secure room for classified information access?

IT

Secure computer? Secure phone? Computer requirements beyond standard lap top? Docking station? Monitor? Dedicated Fax? Printer?

They were going to check to see if the cost for the space would be rolled into EPA bill and not show as a specific line item. They thought these questions would be the same if we were to lease our own EPA space or whether we would come to some arrangement with another agency.

What would you like me to do?

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 1/31/2017 1:51:08 PM
Subject: RE: Tulsa

Only if there's precedent – then 'acting' might be more inclined to move on it.

From: Jackson, Ryan (Inhofe) [mailto:Ryan_Jackson@inhofe.senate.gov]
Sent: Tuesday, January 31, 2017 8:45 AM
To: Blizzard, James
Subject: Re: Tulsa

Is it worth us talking to the OARM acting?

Ryan Jackson
Chief of Staff
U.S. Senator James M. Inhofe
205 Russell Senate Office Bldg.
Washington, D.C. 20510
(202) 224-4721

On Jan 31, 2017, at 8:38 AM, Blizzard, James <Blizzard.James@epa.gov> wrote:

I'll look for precedents and talk with GSA.
Alice Yates that used to be with Levin? I know her.

From: Jackson, Ryan (Inhofe) [mailto:Ryan_Jackson@inhofe.senate.gov]
Sent: Tuesday, January 31, 2017 8:37 AM
To: Blizzard, James <Blizzard.James@epa.gov>
Subject: Re: Tulsa

There's a big corps of engineers presence in Tulsa and BLM space downtown Tulsa. All my GSA contacts left at the end of obama administration. Not particularly that great except Alice Yates.

Ryan Jackson
Chief of Staff
U.S. Senator James M. Inhofe
205 Russell Senate Office Bldg.
Washington, D.C. 20510
(202) 224-4721

On Jan 31, 2017, at 8:32 AM, Blizzard, James <Blizzard.James@epa.gov> wrote:

With that I'll ask some more.

From: Jackson, Ryan (Inhofe) [mailto:Ryan_Jackson@inhofe.senate.gov]
Sent: Tuesday, January 31, 2017 8:02 AM
To: Blizzard, James <Blizzard.James@epa.gov>
Subject: Re: Tulsa

Yeah I agreed that gifted spaces are a problem. I'd rather keep it official and in some GSA space. He'll work from home for sure. Everyone does but I know he'll appreciate an actual office in Tulsa to take meetings.

Ryan Jackson
Chief of Staff
U.S. Senator James M. Inhofe
205 Russell Senate Office Bldg.
Washington, D.C. 20510
(202) 224-4721

On Jan 31, 2017, at 7:54 AM, Blizzard, James <Blizzard.James@epa.gov> wrote:

Ryan – I've done some preliminary checking and it seems that as Administrator, the nature of the beast is that he is always working – never 'off-the-clock' so to speak. When he is at home in Tulsa, he can have (and I understand Gina had) an episodic telework agreement – that affords him the opportunity to work from home officially. I have attached my agreement so you can get an idea of the details.

If that is not the preferred option, let me know. Telework agreements do not have to be only at personal residences, but 'gifted' or 'donated' space could be an optics issue. We can investigate other Federal agencies with office space in Tulsa, or even Congressional space in Tulsa, such as Sen. Inhofe's district office, but I didn't want to wave that flag yet. Again, optics. But let me know.

Thx.

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 1/31/2017 1:38:42 PM
Subject: RE: Tulsa

I'll look for precedents and talk with GSA.
Alice Yates that used to be with Levin? I know her.

From: Jackson, Ryan (Inhofe) [mailto:Ryan_Jackson@inhofe.senate.gov]
Sent: Tuesday, January 31, 2017 8:37 AM
To: Blizzard, James
Subject: Re: Tulsa

There's a big corps of engineers presence in Tulsa and BLM space downtown Tulsa. All my GSA contacts left at the end of obama administration. Not particularly that great except Alice Yates.

Ryan Jackson
Chief of Staff
U.S. Senator James M. Inhofe
205 Russell Senate Office Bldg.
Washington, D.C. 20510
(202) 224-4721

On Jan 31, 2017, at 8:32 AM, Blizzard, James <Blizzard.James@epa.gov> wrote:

With that I'll ask some more.

From: Jackson, Ryan (Inhofe) [mailto:Ryan_Jackson@inhofe.senate.gov]
Sent: Tuesday, January 31, 2017 8:02 AM
To: Blizzard, James <Blizzard.James@epa.gov>
Subject: Re: Tulsa

Yeah I agreed that gifted spaces are a problem. I'd rather keep it official and in some GSA space. He'll work from home for sure. Everyone does but I know he'll appreciate an actual office in Tulsa to take meetings.

Ryan Jackson
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Thx.

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 1/31/2017 1:32:11 PM
Subject: RE: Tulsa

With that I'll ask some more.

From: Jackson, Ryan (Inhofe) [mailto:Ryan_Jackson@inhofe.senate.gov]
Sent: Tuesday, January 31, 2017 8:02 AM
To: Blizzard, James
Subject: Re: Tulsa

Yeah I agreed that gifted spaces are a problem. I'd rather keep it official and in some GSA space. He'll work from home for sure. Everyone does but I know he'll appreciate an actual office in Tulsa to take meetings.

Ryan Jackson
Chief of Staff
U.S. Senator James M. Inhofe
205 Russell Senate Office Bldg.
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Thx.

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 1/31/2017 12:52:43 PM
Subject: Tulsa
Attachments: Untitled.msg

Ryan – I’ve done some preliminary checking and it seems that as Administrator, the nature of the beast is that he is always working – never ‘off-the-clock’ so to speak. When he is at home in Tulsa, he can have (and I understand Gina had) an episodic telework agreement – that affords him the opportunity to work from home officially. I have attached my agreement so you can get an idea of the details.

If that is not the preferred option, let me know. Telework agreements do not have to be only at personal residences, but ‘gifted’ or ‘donated’ space could be an optics issue. We can investigate other Federal agencies with office space in Tulsa, or even Congressional space in Tulsa, such as Sen. Inhofe’s district office, but I didn’t want to wave that flag yet. Again, optics. But let me know.

Thx.

From: DC-WJCN-3443-M@epa.gov
To: Blizzard, James
Sent: 1/31/2017 12:47:41 PM
Subject:
Attachments: image2017-01-31-074741.pdf

FILE COPY

AFGE/EPA FLEXIPLACE APPLICATION FORM

Employee Name Jim Blizzard Telephone Ext. 564 Mailcode 1301A
Job Title/Series/Grade Team Ldr.
Division/Office OCIR
☒ New Request ☐ Change Request ☐ Annual Recertification

Ex. 6

Supervisor's Signature Mark Alcornell Date 10-27-08
Approving Official's Signature Greg K. Clark Date 10-27-08

NOTE: A copy of this form should be maintained by the employee, the supervisor and a copy sent to the appropriate Flexiplace Coordinators.

Appendix (1)

Appendix (2)
EMPLOYEE SELF-CERTIFICATION SAFETY CHECKLIST

The following checklist is designed to assess the overall safety of the AWL and must be completed, signed and given to your supervisor with your application for the Flexiplace program.

	Yes	No	WA	Comments
1. Is the space free of asbestos material?	/			
2. If NO, is the asbestos undamaged and in good condition?	/			
3. Does the space appear to be free of indoor air quality problems?	/			
4. Is the work space free from excess now?	/			
5. Is water available and drinkable in the space?	/			
6. Is ventilation adequate?	/			
7. Is a bathroom available with hot and cold running water?	/			
8. Are there handrails for stairs with more than 3 steps?	/			
9. Are circuit breakers/fuses in the electrical panel labeled as to intended service?	/			
10. Do circuit breakers clearly indicate if they are opened or closed?	/			
11. Is electrical equipment free of recognized hazards that would cause physical harm (for example, frayed wires, bare conductors, loose wires, exposed wires fixed to the ceiling, a rat's nest of plugs in a single outlet and so on)?	/			
12. Will the building's electrical system permit the grounding of electrical equipment?	/			
13. Are aisles, doorways and corners free of obstructions to permit visibility and movement?	/			
14. Do file cabinets and storage closets open so they do not obstruct walkways?	/			
15. Do chairs have stable and secure wheels/casters?	/			
16. Are rungs and legs of chairs stable and sturdy?	/			
17. Are the phone lines, electrical cords and extension wires safely secured?	/			
18. Is the office free of combustible or materials?	/			
19. Is there adequate electrical lighting to accomplish the work assignments?	/			
20. Are floor surfaces clean, dry and level?	/			
21. Are carpets well secured to the floor and free of frayed or worn seams?	/			
22. Are there any other known safety issues that should be addressed for this work space?	/			

Signing this form does not guarantee that the AWL is hazard free, but does verify that the employee has made a reasonably careful inspection for potential hazards. Employees are responsible for informing their supervisors of any changes to their AWL which could impact on health and safety of the employee and others.

Employee's Signature

Date

11-27-08

Supervisor's Signature

Date

10-22-08

AFGE/EPA FLEXIPLACE WORK AGREEMENT

All terms set forth in the AFGE/EPA Flexiplace Agreement ("Flexiplace Agreement") are hereby incorporated by reference in this work agreement.

Name Jim Blizzard Mailcode 1301 A

1. Employee agrees to adhere to the AFGE/EPA Flexiplace Agreement. EPA, hereinafter referred to as Agency, concurs with employee participation and agrees to adhere to the AFGE/EPA Flexiplace Agreement.
2. Duty Station. All pay, special salary rates, leave and travel entitlements will be based on the employee's official duty station.

Ex. 6

4. Employee's timekeeper will have a copy of the employee's Flexiplace schedule. Employee's time and attendance will be recorded as Flexiplace Time using a special code established for this purpose. Employee's supervisor will certify bi-weekly time and attendance for hours worked. Employee must complete the "Employee Self-Certification Time and Attendance Report" (Attachment I) and return it to his or her supervisor on a bi-weekly basis.
5. Employees performing work at the alternative work location will follow established procedures for requesting and obtaining approval of leave, consistent with Article 29 of the Master Collective Bargaining Agreement.
6. Employees performing work at the AWL are subject to the same maximum workday limits as they would be if they were performing work at the official duty station. Employees performing work at the AWL are not authorized to work overtime or official compensatory time, except in special circumstances (e.g., to meet priority needs of the Agency). In these situations, prior approval must be obtained from their supervisor.

Appendix (3)

7. An employee who is authorized to use Agency equipment will protect the Agency equipment in accordance with the procedures established in FIRMIR Bulletin 30, dated October 15, 1985. An employee who provides his/her own equipment is responsible for installing, servicing, and maintaining it.
8. Provided the employee is given at least 24 hours advance notice, the employee agrees to permit periodic inspections of his/her AWL during the employee's normal working hours to ensure site conformance with safety standards and other specifications in these guidelines. Such inspections will occur only on days when the employee is working at the AWL.
9. Questions related to claims for personal property damage or loss or personal injury related to the employee's performance of official duties should be directed to the servicing Human Resources Office. The Agency will address issues of employee or Agency liability in accordance with the specific facts of each case and under the provisions of the Federal Employees Claims Act, the Federal Tort Claims Act, the Military Personnel and Civilian Employees Claims Act, and local law as appropriate.
10. The Agency will not be responsible for operating costs, home maintenance, homeowners or renters insurance, or other residential costs except the Agency will install and pay the cost for authorized telephone expenses (including toll calls) incurred for official Agency business.
11. The Agency will provide necessary office supplies that are regularly available at the Agency (such as paper, pens, printer ribbons, diskettes, envelopes, tape, staples, etc.).
12. EPA may provide telephone credit cards or may reimburse an employee working under an approved Flexiplace Agreement for business-related long-distance and toll calls on his/her personal phone. EPA may install telephone lines and other necessary equipment and pay monthly telephone charges in private residences under special circumstances. The Agency reserves the right to determine the most cost-effective manner of covering telecommunications costs.
13. Employees are expected to plan for and accomplish necessary photocopying, mail, and facsimile transmissions at the regular work site. In emergency situations, and with the prior approval of the supervisor, costs associated with the copying of work-related materials, facsimile charges, express mail, etc., may be reimbursed.
14. The employee is covered under the Federal Employee's Compensation Act (FECA) if injured in the course of performing official duties at the official or alternate duty location, in accordance with applicable Department of Labor regulations and standards governing FECA liability.
(NOTE: Any accident or injury occurring at the alternate duty station must be brought to the immediate attention of the supervisor and the servicing Human Resources Office. Because an employment-related accident sustained by an employee participating in the Flexiplace Program could occur outside the premises of the official duty station, the supervisor must investigate all reports immediately following notification.)

15. The employee must complete the "Employee Self-Certification Safety Checklist," which identifies significant safety standards that should be met, and submit it to his/her supervisor prior to participating in the Flexiplace Program.
16. The employee will communicate as needed with his/her supervisor to receive assignments and have completed work reviewed in accordance with the supervisor's instructions.
17. The employee will complete all assigned work in accordance with his/her supervisor's instructions. Progress reviews under Article 34 as revised by the parties will be used by the supervisor in his/her assessment of the employee's job performance. The supervisor will evaluate employee's job performance against performance standards established in the employee's performance agreement.
18. To participate in the Flexiplace Program, an employee must have a performance rating of at least Fully Successful (level 3 or equivalent) in the rating of record.
19. The employee agrees to use approved safeguards to protect Agency records from unauthorized disclosure or damage and to comply with the requirements set forth in the Privacy Act of 1974, as amended, 5 U.S.C. 552a, and those concerning release of confidential business information (CBI) as set forth in 40 C.F.R. Part U, Subpart B and EPA's TSCA Confidential Business Information Security Manual .
20. An employee may terminate his/her Flexiplace arrangement at any time without prejudice and return to his/her official duty station. Employee notice to the supervisor should be in writing and acknowledged by the supervisor to prevent misunderstandings about the employee's work location.
21. The Agency may remove an employee from the Flexiplace Program based on the employee's failure to adhere to the requirements specified in the Flexiplace Program Agreement and/or any performance or conduct issues or concerns which adversely affect or alter the terms of this agreement. When a decision is made to remove an employee from the Flexiplace Program, the employee must be given written notice indicating the reason(s) for removal. The employee may reapply for Flexiplace Program participation one year after removal from the Program, provided that her/his performance and conduct are fully satisfactory, and meets all other eligibility requirements.
22. The employee agrees to perform his/her officially assigned duties at either the official duty station , the alternative work location or while on official travel. Failure to comply with this provision may result in administrative action, such as charge of leave, loss of pay, termination of participation in the program, or disciplinary action, as warranted, based on the situation.
23. The employee agrees not to conduct unauthorized personal business while in official duty status at the official or alternate work location (e.g., dependent care, home repairs, real estate transactions). The employee agrees to arrange for any dependent care and other personal responsibilities so as to insure that the employee can work without interruption. Flexiplace is not a substitute for dependent care.

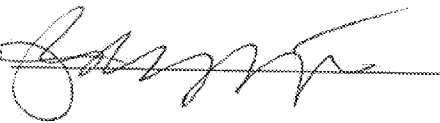
24. This Agreement does not restrict the employee's right to change schedules in accordance with existing agreements. If a permanent change of schedule is approved, the schedule in the application package will be changed accordingly and initialed by both the employee and the supervisor.

25. The employee and the supervisor agree to attend the required training and orientation prior to participation in the Flexiplace Program.

26. An employee must be willing to report to the official work site without delay if unexpectedly needed.

I have read and understood all the provisions of this work agreement and agree to abide by them.

Employee's Signature



Date

10-27-08

EPA concurs with the participation of this employee and agrees to adhere to the provisions of this agreement.

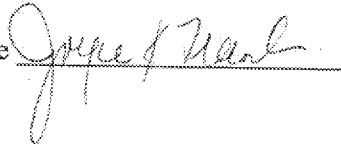
Supervisor's Signature



Date

10-27-08

Approving Official's Signature



Date

10-27/08

Employee Name

Jim. Blayzard

Official Tour of Duty:

Ex. 6

Appendix (4)

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 1/30/2017 3:24:44 PM
Subject: Re: RE: RE:

Got it
Let me see

Sent from my iPhone

> On Jan 30, 2017, at 10:22 AM, Jackson, Ryan (Inhofe) wrote:
>
> Left you a message to explain it more but essentially I want to talk to OARM. Pruitt wants to know when he goes home to Tulsa, Oklahoma where he can work.
>
> I don't think EPA has any offices in Oklahoma with the big exception of the Ada lab. But Ada is 150 miles from Tulsa.
>
> I wanted to see if OARM and GSA could put their heads together to get something prepared for him.
>
> -----Original Message-----
> From: Blizzard, James [mailto:Blizzard.James@epa.gov]
> Sent: Monday, January 30, 2017 10:12 AM
> To: Jackson, Ryan (Inhofe)
> Subject: Re: RE:

> Yes And yes
> Just let me know

> Sent from my iPhone

>> On Jan 30, 2017, at 10:02 AM, Jackson, Ryan (Inhofe) wrote:
>>
>> Are you staying?
>>
>> Can you help me with something?

>> -----Original Message-----
>> From: Blizzard, James [mailto:Blizzard.James@epa.gov]
>> Sent: Monday, January 30, 2017 8:43 AM
>> To: Jackson, Ryan (Inhofe)
>> Subject: Re:

>> I don't want to miss this show!

>> Sent from my iPhone

>>> On Jan 30, 2017, at 8:29 AM, Jackson, Ryan (Inhofe) wrote:
>>>
>>> Jim, I wanted to see if you retired from EPA.

>>>
>>> _____
>>> Ryan Jackson
>>> Chief of Staff
>>> U.S. Senator James M. Inhofe
>>> 205 Russell Senate Office Bldg.
>>> Washington, D.C. 20510
>>> (202) 224-4721

>>
>

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 1/30/2017 3:11:47 PM
Subject: Re: RE:

Yes And yes
Just let me know

Sent from my iPhone

> On Jan 30, 2017, at 10:02 AM, Jackson, Ryan (Inhofe) wrote:

>
> Are you staying?
>
> Can you help me with something?
>
> -----Original Message-----
> From: Blizzard, James [mailto:Blizzard.James@epa.gov]
> Sent: Monday, January 30, 2017 8:43 AM
> To: Jackson, Ryan (Inhofe)
> Subject: Re:

>
> I don't want to miss this show!

>
>
> Sent from my iPhone

>> On Jan 30, 2017, at 8:29 AM, Jackson, Ryan (Inhofe) wrote:

>>
>> Jim, I wanted to see if you retired from EPA.

>>
>> _____
>> Ryan Jackson
>> Chief of Staff
>> U.S. Senator James M. Inhofe
>> 205 Russell Senate Office Bldg.
>> Washington, D.C. 20510
>> (202) 224-4721

>>
>

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 1/30/2017 1:43:06 PM
Subject: Re:

I don't want to miss this show!

Sent from my iPhone

> On Jan 30, 2017, at 8:29 AM, Jackson, Ryan (Inhofe) wrote:
>
> Jim, I wanted to see if you retired from EPA.
>
>
> _____
> Ryan Jackson
> Chief of Staff
> U.S. Senator James M. Inhofe
> 205 Russell Senate Office Bldg.
> Washington, D.C. 20510
> (202) 224-4721
>

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 1/4/2017 2:06:20 PM
Subject: RE: Happy New Year

Thanks Ryan

Thoughts on reaching out to Rob? I don't have any ties to Hatch – this agency doesn't interact with him much – but I'd like to make sure this office does its part in helping with the process when it is able and when it can. Could be a rough ride for Pruitt's son during this process –

Always here to help if I can.

From: Jackson, Ryan (Inhofe) [mailto:Ryan_Jackson@inhofe.senate.gov]
Sent: Wednesday, January 04, 2017 8:33 AM
To: Blizzard, James
Subject: RE: Happy New Year

Hey, happy new year.

I'm back in the personal office as of yesterday. I'm still Senator Inhofe's chief of staff. The meeting with the Senators tomorrow was just to help provide what to expect as you would imagine. The Sherpa for the nomination is Rob Porter. Rob is Senator Hatch's chief of staff. His transition email is Robert.r.porter@ptt.gov. Pruitt's made some member calls over the break and started meetings yesterday. He's getting some good Democratic response to his outreach. Most importantly helping him prepare for the hearing and meetings. Things actually look really good. He'll be a good guy. I've actually known him for some time, tried to help his AG office on issues from time to time, invited him to DC to testify. He's friends with Inhofe actually. They've campaigned together. In fact, nearly 20 years ago one of my best friends was his campaign manager when he ran for Congress in Tulsa unsuccessfully when he was in the state Senate. Pruitt's a studious guy, definitely a hard worker, ensures he's well prepared. I really like the guy. He's just a good guy. Daughter interned in the office and was a cheerleader at OU. I think he has two kids. His son is working in our office this January. He's definitely coming over. I mean this guy's getting confirmed. He's just good and Dems will have to shift target to something else. You'll enjoy working with him.

From: Blizzard, James [mailto:Blizzard.James@epa.gov]
Sent: Wednesday, January 04, 2017 8:25 AM
To: Jackson, Ryan (Inhofe) <Ryan_Jackson@inhofe.senate.gov>
Subject: Happy New Year

Where are you landing? Staying with Committee or with the Senator?

I understand Pruitt was around – are you able to say who his handlers were? Any follow-up for Senator Inhofe or Barrasso if you know.

Thanks Ryan.

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 1/4/2017 1:25:27 PM
Subject: Happy New Year

Where are you landing? Staying with Committee or with the Senator?

I understand Pruitt was around – are you able to say who his handlers were? Any follow-up for Senator Inhofe or Barrasso if you know.

Thanks Ryan.

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 4/24/2018 3:18:01 PM
To: [REDACTED] Ex. 6
Subject: [REDACTED] Ex. 6

Of course. [REDACTED] Ex. 6 It doesn't occur to me to have to move in a different direction on your nomination though. However, let's definitely talk about that.

Let me know when you are able to to that and feel no obligation to get back with me quickly. In all seriousness

[REDACTED] Ex. 6

Ryan Jackson
Chief of Staff
U.S. EPA

[REDACTED] Ex. 6

On Apr 24, 2018, at 10:17 AM, [REDACTED] Ex. 6 wrote:

Hi, Ryan, [REDACTED] Ex. 6

[REDACTED] Ex. 6 I know this must be disappointing and that you might have to pull the plug on my appointment. We should talk over the next few days.

Sent from my Verizon, Samsung Galaxy smartphone

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 5/7/2018 11:24:14 PM
To: Mark D. Marin [mark.marin@mail.house.gov]
Subject: Fwd: EDDSUPP_0001-0017.pdf. Emails
Attachments: EDDSUPP_0001-0017.pdf; ATT00001.htm

Just wanted to ensure you had a copy too.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

Begin forwarded message:

From: "Jackson, Ryan" <jackson.ryan@epa.gov>
To: "Joe Brazauskas" <joseph.brazauskas@mail.house.gov>
Subject: EDDSUPP_0001-0017.pdf. Emails

Joe, it's taken me until now to find these emails because I couldn't remember who I sent it to and frankly what I asked for or how I asked for it.

Here's the infamous email chain which House Science Committee Democrats have really overblown in their press release. I wasn't sure you had been shown anything, but I feel sure your minority doesn't have the whole trail attached. I didn't know what to say at the time it was released because frankly I couldn't remember what I wrote. Scroll through this and it's two old buddies talking to each other trying to do some really preliminary due diligence on this Tulsa office issue because I was advised that Whitman used Edison from time to time and certainly more recently McCarthy used the Boston office. I was trying to see if these capabilities already existed in Tulsa not trying to install them all. I've known Jim for years and trust him to provide me straight information. He was a political appointee under Reagan. Sad he's retired. Just wanted you to see the actual conversation.

Ultimately we did and do have an office in Tulsa with a lease on a 350 sq foot space through 2022. We've had it since 2012. Even though we thought what capabilities may exist in the huge Corps facility in Tulsa we didn't pursue either. In fact, there was an additional 3,000 sq feet adjacent to the 350 sq ft space in the building in which we currently lease space. I didn't pursue leasing anymore space, and it ultimately simply wasn't needed to have any working space in Tulsa.

In short, this was my whole due diligence with the situation. Looked into an idea, checked out what options might exist for what might be needed, did it well before I got there to try to have one less thing to do, and decided not to pursue any of it. I mean sometimes that happens too.

Thought this would help and be interesting. It's entirely unredacted but I can't imagine much of it would need it. And I just wanted to provide it to you.

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 2/6/2017 1:31:34 PM
Subject: FW: Tulsa Office Space

From: Blizzard, James
Sent: Wednesday, February 01, 2017 8:43 AM
To: Reeder, John
Subject: RE: Tulsa Office Space

Just scoping it out.
Yes, I am in.

From: Reeder, John
Sent: Wednesday, February 01, 2017 8:41 AM
To: Blizzard, James <Blizzard.James@epa.gov>
Subject: RE: Tulsa Office Space

And we need to know who is representing Mr. Pruitt. Until he's actually confirmed, even working on this can be tricky.
Are you in the office today?

From: Blizzard, James
Sent: Wednesday, February 01, 2017 8:35 AM
To: Reeder, John <Reeder.John@epa.gov>
Subject: RE: Tulsa Office Space

I agree. I'll let you know who to connect with at GSA.

From: Reeder, John
Sent: Wednesday, February 01, 2017 8:33 AM
To: Blizzard, James <Blizzard.James@epa.gov>
Subject: RE: Tulsa Office Space

Jim,
I think it's time to bring in Donna Vizian and her team, especially since EPA will likely need to pay for such space.
GSA rents to agencies... doesn't provide without cost, at least based on anything I've heard before. This is moving quickly out of the OCIR realm.

Let me know if you agree and we can get them interfacing directly with OARM.

Thanks
JReeder

From: Blizzard, James
Sent: Wednesday, February 01, 2017 7:51 AM
To: Reeder, John <Reeder.John@epa.gov>

Subject: Tulsa Office Space

Based on my conversations with Mr. Pruitt's handlers, I have asked GSA to see if there is space in a Tulsa, OK federal building or facility consistent with the following personal, security, and IT parameters:

Mr. Pruitt is interested in a small space – lobby, conference room, personal office. 24-hour access. Garage parking preferred. He will travel with security detail and they will need appropriate space – whatever that is. He will need a secure cabinet or safe, a SCIF for classified communications/information – able to accommodate Presidential communications with cabinet-level officials. I would think a secure computer and phone is necessary, printer, dedicated fax, and the usual office equipment, such as the standard docking station and lap top.

I have indicated to GSA that if such space is identified, I would connect the proper GSA and EPA folks. I trust you will share this with the proper GSA folks. Thanks.

Jim Blizzard
Senior Policy Advisor
Office of Congressional Relations
U. S. Environmental Protection Agency
(202) 564-1695
blizzard.james@epa.gov

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 2/6/2017 1:30:42 PM
Subject: FW: Tulsa Office Space

From: Blizzard, James
Sent: Saturday, February 04, 2017 7:23 AM
To: Reeder, John
Subject: Tulsa Office Space

I am not working this any longer, but yesterday my contact at GSA said that there is one location that could be a possibility based on the stated requirements. It is about 40,000 sq. feet and could be cut down. It is in a GSA-leased building, as the federal building in Tulsa is full. The GSA regional folks are unaware at this point that Mr. Pruitt or EPA is the potential occupier of the space. Appropriate staff at EPA should contact Jim Weller, Region 7 GSA Commissioner for the Public Building Service. Number: 817-978-2522. E-mail: jim.weller@gsa.gov>

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 2/6/2017 1:15:48 PM
Subject: Tulsa Space

Ryan – heard from my GSA contact Friday night – the federal building is full, but they have identified space in a GSA-leased building that could work – fits most of the requirements – it is large - 40,000 sq. ft., but can be reconfigured. I sent John Reeder, acting chief of staff, the GSA Regional Commissioner contact info so he could get it to OARM folks. I hope they are following through, but I have no way of knowing.

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 2/1/2017 2:01:57 PM
Subject: FW: Tulsa Office Space

Wheels in motion - I have also let folks here (OARM, etc.) know, since other than my ask, I would be way out of my league and lane here
I'll keep you posted – let me know if there's anything else you need.

From: Blizzard, James
Sent: Wednesday, February 01, 2017 7:42 AM
To: 'saul.japson@gsa.gov'
Subject: Tulsa Office Space

Saul, based on our conversation, I can give you the following personal, security, and IT parameters for you to see if such space is available in a Tulsa federal building or facility. I appreciate your help. I would imagine that when there is some information from GSA, I would connect the proper folks at GSA with the proper folks here at EPA. Thanks for your help.

Mr. Pruitt is interested in a small space – lobby, conference room, personal office. 24-hour access. Garage parking preferred. He will travel with security detail and they will need appropriate space – whatever that is. He will need a secure cabinet or safe, a SCIF for classified communications/information – able to accommodate Presidential communications with cabinet-level officials. I would think a secure computer and phone is necessary, printer, dedicated fax, and the usual office equipment, such as the standard docking station and lap top.

Please let me know if you need anything else.

Jim Blizzard
Senior Policy Advisor
Office of Congressional Relations
U. S. Environmental Protection Agency
(202) 564-1695
blizzard.james@epa.gov

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 1/31/2017 6:04:13 PM
Subject: RE: Tulsa

Yes – I'll go back to GSA folks

From: Jackson, Ryan (Inhofe) [mailto:Ryan_Jackson@inhofe.senate.gov]
Sent: Tuesday, January 31, 2017 12:56 PM
To: Blizzard, James
Subject: RE: Tulsa

Yes, so a small space. Office for him, meeting room, lobby space but that's largely it I think. I don't envision after hours but I'm sure he would like 24 hour access. Parking in garage would be preferred since he does have a detail and the position is what it is.

He will always travel with OECA. They would need space, however, I'm not sure what to suggest. Simply something consistent with previous Administrators. He will need a SCIF in the event he is working on spill info or otherwise protected information. Of course when the President communicates with the Cabinet those communications are protected so we will need to be able to accommodate that. I think a secure computer and phone is necessary, printer, fax, and usual office equipment. I'm unsure about the docking station and lap top. Let's go with that set up because it seems more convenient to me.

Why are we worried about a line item in an appropriations bill? That's not a good idea and other EPA space around the country isn't listed in Interior Appropriations bills each year.

Much appreciated for this. Does this help?

From: Blizzard, James [mailto:Blizzard.James@epa.gov]
Sent: Tuesday, January 31, 2017 12:49 PM
To: Jackson, Ryan (Inhofe) <Ryan_Jackson@inhofe.senate.gov>
Subject: Tulsa

Spoke with guys at GSA – they indicate there is a federal building or facility there – the questions:

Personal

How much space is he looking for – one room? – anteroom? Private bathroom? After hours/weekend access? Parking in garage or open lot?

Security

Security detail with him? Do they need space? Safe or other secure cabinet? Secure room for classified information access?

IT

Secure computer? Secure phone? Computer requirements beyond standard lap top? Docking station? Monitor? Dedicated Fax? Printer?

They were going to check to see if the cost for the space would be rolled into EPA bill and not show as a specific line item. They thought these questions would be the same if we were to lease our own EPA space or whether we would come to some arrangement with another agency.

What would you like me to do?

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 1/31/2017 5:49:26 PM
Subject: Tulsa

Spoke with guys at GSA – they indicate there is a federal building or facility there – the questions:

Personal

How much space is he looking for – one room? – anteroom? Private bathroom? After hours/weekend access? Parking in garage or open lot?

Security

Security detail with him? Do they need space? Safe or other secure cabinet? Secure room for classified information access?

IT

Secure computer? Secure phone? Computer requirements beyond standard lap top? Docking station? Monitor? Dedicated Fax? Printer?

They were going to check to see if the cost for the space would be rolled into EPA bill and not show as a specific line item. They thought these questions would be the same if we were to lease our own EPA space or whether we would come to some arrangement with another agency.

What would you like me to do?

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 1/31/2017 1:51:08 PM
Subject: RE: Tulsa

Only if there's precedent – then 'acting' might be more inclined to move on it.

From: Jackson, Ryan (Inhofe) [mailto:Ryan_Jackson@inhofe.senate.gov]
Sent: Tuesday, January 31, 2017 8:45 AM
To: Blizzard, James
Subject: Re: Tulsa

Is it worth us talking to the OARM acting?

Ryan Jackson
Chief of Staff
U.S. Senator James M. Inhofe
205 Russell Senate Office Bldg.
Washington, D.C. 20510
(202) 224-4721

On Jan 31, 2017, at 8:38 AM, Blizzard, James <Blizzard.James@epa.gov> wrote:

I'll look for precedents and talk with GSA.
Alice Yates that used to be with Levin? I know her.

From: Jackson, Ryan (Inhofe) [mailto:Ryan_Jackson@inhofe.senate.gov]
Sent: Tuesday, January 31, 2017 8:37 AM
To: Blizzard, James <Blizzard.James@epa.gov>
Subject: Re: Tulsa

There's a big corps of engineers presence in Tulsa and BLM space downtown Tulsa. All my GSA contacts left at the end of obama administration. Not particularly that great except Alice Yates.

Ryan Jackson
Chief of Staff
U.S. Senator James M. Inhofe
205 Russell Senate Office Bldg.
Washington, D.C. 20510
(202) 224-4721

On Jan 31, 2017, at 8:32 AM, Blizzard, James <Blizzard.James@epa.gov> wrote:

With that I'll ask some more.

From: Jackson, Ryan (Inhofe) [mailto:Ryan_Jackson@inhofe.senate.gov]
Sent: Tuesday, January 31, 2017 8:02 AM
To: Blizzard, James <Blizzard.James@epa.gov>
Subject: Re: Tulsa

Yeah I agreed that gifted spaces are a problem. I'd rather keep it official and in some GSA space. He'll work from home for sure. Everyone does but I know he'll appreciate an actual office in Tulsa to take meetings.

Ryan Jackson
Chief of Staff
U.S. Senator James M. Inhofe
205 Russell Senate Office Bldg.
Washington, D.C. 20510
(202) 224-4721

On Jan 31, 2017, at 7:54 AM, Blizzard, James <Blizzard.James@epa.gov> wrote:

Ryan – I've done some preliminary checking and it seems that as Administrator, the nature of the beast is that he is always working – never 'off-the-clock' so to speak. When he is at home in Tulsa, he can have (and I understand Gina had) an episodic telework agreement – that affords him the opportunity to work from home officially. I have attached my agreement so you can get an idea of the details.

If that is not the preferred option, let me know. Telework agreements do not have to be only at personal residences, but 'gifted' or 'donated' space could be an optics issue. We can investigate other Federal agencies with office space in Tulsa, or even Congressional space in Tulsa, such as Sen. Inhofe's district office, but I didn't want to wave that flag yet. Again, optics. But let me know.

Thx.

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 1/31/2017 1:38:42 PM
Subject: RE: Tulsa

I'll look for precedents and talk with GSA.
Alice Yates that used to be with Levin? I know her.

From: Jackson, Ryan (Inhofe) [mailto:Ryan_Jackson@inhofe.senate.gov]
Sent: Tuesday, January 31, 2017 8:37 AM
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To: Blizzard, James <Blizzard.James@epa.gov>
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Thx.

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 1/31/2017 1:32:11 PM
Subject: RE: Tulsa

With that I'll ask some more.

From: Jackson, Ryan (Inhofe) [mailto:Ryan_Jackson@inhofe.senate.gov]
Sent: Tuesday, January 31, 2017 8:02 AM
To: Blizzard, James
Subject: Re: Tulsa

Yeah I agreed that gifted spaces are a problem. I'd rather keep it official and in some GSA space. He'll work from home for sure. Everyone does but I know he'll appreciate an actual office in Tulsa to take meetings.

Ryan Jackson
Chief of Staff
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Thx.

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 1/31/2017 12:52:43 PM
Subject: Tulsa
Attachments: Untitled.msg

Ryan – I’ve done some preliminary checking and it seems that as Administrator, the nature of the beast is that he is always working – never ‘off-the-clock’ so to speak. When he is at home in Tulsa, he can have (and I understand Gina had) an episodic telework agreement – that affords him the opportunity to work from home officially. I have attached my agreement so you can get an idea of the details.

If that is not the preferred option, let me know. Telework agreements do not have to be only at personal residences, but ‘gifted’ or ‘donated’ space could be an optics issue. We can investigate other Federal agencies with office space in Tulsa, or even Congressional space in Tulsa, such as Sen. Inhofe’s district office, but I didn’t want to wave that flag yet. Again, optics. But let me know.

Thx.

From: DC-WJCN-3443-M@epa.gov
To: Blizzard, James
Sent: 1/31/2017 12:47:41 PM
Subject:
Attachments: image2017-01-31-074741.pdf

FILE COPY

AFGE/EPA FLEXIPLACE APPLICATION FORM

Employee Name Jim Blizzard Telephone Ext. 564 Mailcode 1301A
Job Title/Series/Grade Team Ldr.
Division/Office OCIR
☒ New Request ☐ Change Request ☐ Annual Recertification
Home/Alternate Work Site Address 9312 Craig Ave Alex 22309
Home/Alternate Work Site Telephone 703 360 4929 Fax _____
First Line Supervisor Mark OConnell Telephone Ext. 564-3109
Type of Flexiplace ☐ Regular ☐ Episodic ☒ Medical
Number of days/duration of Flexiplace requested 18

Ex. 6

Supervisor's Signature Mark OConnell Date 10-27-08
Approving Official's Signature Greg K. Clark Date 10-27-08

NOTE: A copy of this form should be maintained by the employee, the supervisor and a copy sent to the appropriate Flexiplace Coordinators.

Appendix (1)

Appendix (2)
EMPLOYEE SELF-CERTIFICATION SAFETY CHECKLIST

The following checklist is designed to assess the overall safety of the AWL and must be completed, signed and given to your supervisor with your application for the Flexiplace program.

	Yes	No	WA	Comments
1. Is the space free of asbestos material?	/			
2. If NO, is the asbestos undamaged and in good condition?	/			
3. Does the space appear to be free of indoor air quality problems?	/			
4. Is the work space free from excess now?	/			
5. Is water available and drinkable in the space?	/			
6. Is ventilation adequate?	/			
7. Is a bathroom available with hot and cold running water?	/			
8. Are there handrails for stairs with more than 3 steps?	/			
9. Are circuit breakers/fuses in the electrical panel labeled as to intended service?	/			
10. Do circuit breakers clearly indicate if they are opened or closed?	/			
11. Is electrical equipment free of recognized hazards that would cause physical harm (for example, frayed wires, bare conductors, loose wires, exposed wires fixed to the ceiling, a rat's nest of plugs in a single outlet and so on)?	/			
12. Will the building's electrical system permit the grounding of electrical equipment?	/			
13. Are aisles, doorways and corners free of obstructions to permit visibility and movement?	/			
14. Do file cabinets and storage closets open so they do not obstruct walkways?	/			
15. Do chairs have stable and secure wheels/casters?	/			
16. Are rungs and legs of chairs stable and sturdy?	/			
17. Are the phone lines, electrical cords and extension wires safely secured?	/			
18. Is the office free of combustible or materials?	/			
19. Is there adequate electrical lighting to accomplish the work assignments?	/			
20. Are floor surfaces clean, dry and level?	/			
21. Are carpets well secured to the floor and free of frayed or worn seams?	/			
22. Are there any other known safety issues that should be addressed for this work space?	/			

Signing this form does not guarantee that the AWL is hazard free, but does verify that the employee has made a reasonably careful inspection for potential hazards. Employees are responsible for informing their supervisors of any changes to their AWL which could impact on health and safety of the employee and others.

Employee's Signature

Date

11-27-08

Supervisor's Signature

Date

10-22-08

AFGE/EPA FLEXIPLACE WORK AGREEMENT

All terms set forth in the AFGE/EPA Flexiplace Agreement ("Flexiplace Agreement") are hereby incorporated by reference in this work agreement.

Name Jim Blizzard Mailcode 1301 A

1. Employee agrees to adhere to the AFGE/EPA Flexiplace Agreement. EPA, hereinafter referred to as Agency, concurs with employee participation and agrees to adhere to the AFGE/EPA Flexiplace Agreement.
2. Duty Station. All pay, special salary rates, leave and travel entitlements will be based on the employee's official duty station.

Ex. 6

4. Employee's timekeeper will have a copy of the employee's Flexiplace schedule. Employee's time and attendance will be recorded as Flexiplace Time using a special code established for this purpose. Employee's supervisor will certify bi-weekly time and attendance for hours worked. Employee must complete the "Employee Self-Certification Time and Attendance Report" (Attachment 1) and return it to his or her supervisor on a bi-weekly basis.
5. Employees performing work at the alternative work location will follow established procedures for requesting and obtaining approval of leave, consistent with Article 29 of the Master Collective Bargaining Agreement.
6. Employees performing work at the AWL are subject to the same maximum workday limits as they would be if they were performing work at the official duty station. Employees performing work at the AWL are not authorized to work overtime or official compensatory time, except in special circumstances (e.g., to meet priority needs of the Agency). In these situations, prior approval must be obtained from their supervisor.

Appendix (3)

7. An employee who is authorized to use Agency equipment will protect the Agency equipment in accordance with the procedures established in FIRMIR Bulletin 30, dated October 15, 1985. An employee who provides his/her own equipment is responsible for installing, servicing, and maintaining it.
8. Provided the employee is given at least 24 hours advance notice, the employee agrees to permit periodic inspections of his/her AWL during the employee's normal working hours to ensure site conformance with safety standards and other specifications in these guidelines. Such inspections will occur only on days when the employee is working at the AWL.
9. Questions related to claims for personal property damage or loss or personal injury related to the employee's performance of official duties should be directed to the servicing Human Resources Office. The Agency will address issues of employee or Agency liability in accordance with the specific facts of each case and under the provisions of the Federal Employees Claims Act, the Federal Tort Claims Act, the Military Personnel and Civilian Employees Claims Act, and local law as appropriate.
10. The Agency will not be responsible for operating costs, home maintenance, homeowners or renters insurance, or other residential costs except the Agency will install and pay the cost for authorized telephone expenses (including toll calls) incurred for official Agency business.
11. The Agency will provide necessary office supplies that are regularly available at the Agency (such as paper, pens, printer ribbons, diskettes, envelopes, tape, staples, etc.).
12. EPA may provide telephone credit cards or may reimburse an employee working under an approved Flexiplace Agreement for business-related long-distance and toll calls on his/her personal phone. EPA may install telephone lines and other necessary equipment and pay monthly telephone charges in private residences under special circumstances. The Agency reserves the right to determine the most cost-effective manner of covering telecommunications costs.
13. Employees are expected to plan for and accomplish necessary photocopying, mail, and facsimile transmissions at the regular work site. In emergency situations, and with the prior approval of the supervisor, costs associated with the copying of work-related materials, facsimile charges, express mail, etc., may be reimbursed.
14. The employee is covered under the Federal Employee's Compensation Act (FECA) if injured in the course of performing official duties at the official or alternate duty location, in accordance with applicable Department of Labor regulations and standards governing FECA liability.
(NOTE: Any accident or injury occurring at the alternate duty station must be brought to the immediate attention of the supervisor and the servicing Human Resources Office. Because an employment-related accident sustained by an employee participating in the Flexiplace Program could occur outside the premises of the official duty station, the supervisor must investigate all reports immediately following notification.)

15. The employee must complete the "Employee Self-Certification Safety Checklist," which identifies significant safety standards that should be met, and submit it to his/her supervisor prior to participating in the Flexiplace Program.
16. The employee will communicate as needed with his/her supervisor to receive assignments and have completed work reviewed in accordance with the supervisor's instructions.
17. The employee will complete all assigned work in accordance with his/her supervisor's instructions. Progress reviews under Article 34 as revised by the parties will be used by the supervisor in his/her assessment of the employee's job performance. The supervisor will evaluate employee's job performance against performance standards established in the employee's performance agreement.
18. To participate in the Flexiplace Program, an employee must have a performance rating of at least Fully Successful (level 3 or equivalent) in the rating of record.
19. The employee agrees to use approved safeguards to protect Agency records from unauthorized disclosure or damage and to comply with the requirements set forth in the Privacy Act of 1974, as amended, 5 U.S.C. 552a, and those concerning release of confidential business information (CBI) as set forth in 40 C.F.R. Part U, Subpart B and EPA's TSCA Confidential Business Information Security Manual .
20. An employee may terminate his/her Flexiplace arrangement at any time without prejudice and return to his/her official duty station. Employee notice to the supervisor should be in writing and acknowledged by the supervisor to prevent misunderstandings about the employee's work location.
21. The Agency may remove an employee from the Flexiplace Program based on the employee's failure to adhere to the requirements specified in the Flexiplace Program Agreement and/or any performance or conduct issues or concerns which adversely affect or alter the terms of this agreement. When a decision is made to remove an employee from the Flexiplace Program, the employee must be given written notice indicating the reason(s) for removal. The employee may reapply for Flexiplace Program participation one year after removal from the Program, provided that her/his performance and conduct are fully satisfactory, and meets all other eligibility requirements.
22. The employee agrees to perform his/her officially assigned duties at either the official duty station , the alternative work location or while on official travel. Failure to comply with this provision may result in administrative action, such as charge of leave, loss of pay, termination of participation in the program, or disciplinary action, as warranted, based on the situation.
23. The employee agrees not to conduct unauthorized personal business while in official duty status at the official or alternate work location (e.g., dependent care, home repairs, real estate transactions). The employee agrees to arrange for any dependent care and other personal responsibilities so as to insure that the employee can work without interruption. Flexiplace is not a substitute for dependent care.

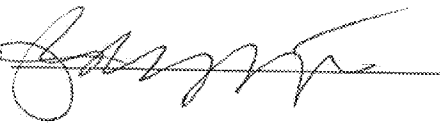
24. This Agreement does not restrict the employee's right to change schedules in accordance with existing agreements. If a permanent change of schedule is approved, the schedule in the application package will be changed accordingly and initialed by both the employee and the supervisor.

25. The employee and the supervisor agree to attend the required training and orientation prior to participation in the Flexiplace Program.

26. An employee must be willing to report to the official work site without delay if unexpectedly needed.

I have read and understood all the provisions of this work agreement and agree to abide by them.

Employee's Signature



Date

10-27-08

EPA concurs with the participation of this employee and agrees to adhere to the provisions of this agreement.

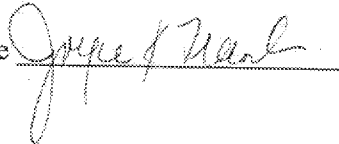
Supervisor's Signature



Date

10-27-08

Approving Official's Signature



Date

10-27/08

Employee Name

Jim. Blayzard

Official Tour of Duty:

Ex. 6

Appendix (4)

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 1/30/2017 3:24:44 PM
Subject: Re: RE: RE:

Got it
Let me see

Sent from my iPhone

> On Jan 30, 2017, at 10:22 AM, Jackson, Ryan (Inhofe) wrote:
>
> Left you a message to explain it more but essentially I want to talk to OARM. Pruitt wants to know when he goes home to Tulsa, Oklahoma where he can work.
>
> I don't think EPA has any offices in Oklahoma with the big exception of the Ada lab. But Ada is 150 miles from Tulsa.
>
> I wanted to see if OARM and GSA could put their heads together to get something prepared for him.
>
> -----Original Message-----
> From: Blizzard, James [mailto:Blizzard.James@epa.gov]
> Sent: Monday, January 30, 2017 10:12 AM
> To: Jackson, Ryan (Inhofe)
> Subject: Re: RE:

> Yes And yes
> Just let me know

> Sent from my iPhone

>> On Jan 30, 2017, at 10:02 AM, Jackson, Ryan (Inhofe) wrote:
>>
>> Are you staying?
>>
>> Can you help me with something?

>> -----Original Message-----
>> From: Blizzard, James [mailto:Blizzard.James@epa.gov]
>> Sent: Monday, January 30, 2017 8:43 AM
>> To: Jackson, Ryan (Inhofe)
>> Subject: Re:

>> I don't want to miss this show!

>> Sent from my iPhone

>>> On Jan 30, 2017, at 8:29 AM, Jackson, Ryan (Inhofe) wrote:
>>>
>>> Jim, I wanted to see if you retired from EPA.

>>>
>>> _____
>>> Ryan Jackson
>>> Chief of Staff
>>> U.S. Senator James M. Inhofe
>>> 205 Russell Senate Office Bldg.
>>> Washington, D.C. 20510
>>> (202) 224-4721

>>
>

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 1/30/2017 3:11:47 PM
Subject: Re: RE:

Yes And yes
Just let me know

Sent from my iPhone

> On Jan 30, 2017, at 10:02 AM, Jackson, Ryan (Inhofe) wrote:

>
> Are you staying?
>
> Can you help me with something?
>
> -----Original Message-----
> From: Blizzard, James [mailto:Blizzard.James@epa.gov]
> Sent: Monday, January 30, 2017 8:43 AM
> To: Jackson, Ryan (Inhofe)
> Subject: Re:

>
> I don't want to miss this show!

>
>
> Sent from my iPhone

>> On Jan 30, 2017, at 8:29 AM, Jackson, Ryan (Inhofe) wrote:

>>
>> Jim, I wanted to see if you retired from EPA.

>>
>> _____
>> Ryan Jackson
>> Chief of Staff
>> U.S. Senator James M. Inhofe
>> 205 Russell Senate Office Bldg.
>> Washington, D.C. 20510
>> (202) 224-4721

>>
>

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 1/30/2017 1:43:06 PM
Subject: Re:

I don't want to miss this show!

Sent from my iPhone

> On Jan 30, 2017, at 8:29 AM, Jackson, Ryan (Inhofe) wrote:
>
> Jim, I wanted to see if you retired from EPA.
>
>
> _____
> Ryan Jackson
> Chief of Staff
> U.S. Senator James M. Inhofe
> 205 Russell Senate Office Bldg.
> Washington, D.C. 20510
> (202) 224-4721
>

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 1/4/2017 2:06:20 PM
Subject: RE: Happy New Year

Thanks Ryan

Thoughts on reaching out to Rob? I don't have any ties to Hatch – this agency doesn't interact with him much – but I'd like to make sure this office does its part in helping with the process when it is able and when it can. Could be a rough ride for Pruitt's son during this process –

Always here to help if I can.

From: Jackson, Ryan (Inhofe) [mailto:Ryan_Jackson@inhofe.senate.gov]
Sent: Wednesday, January 04, 2017 8:33 AM
To: Blizzard, James
Subject: RE: Happy New Year

Hey, happy new year.

I'm back in the personal office as of yesterday. I'm still Senator Inhofe's chief of staff. The meeting with the Senators tomorrow was just to help provide what to expect as you would imagine. The Sherpa for the nomination is Rob Porter. Rob is Senator Hatch's chief of staff. His transition email is Robert.r.porter@ptt.gov. Pruitt's made some member calls over the break and started meetings yesterday. He's getting some good Democratic response to his outreach. Most importantly helping him prepare for the hearing and meetings. Things actually look really good. He'll be a good guy. I've actually known him for some time, tried to help his AG office on issues from time to time, invited him to DC to testify. He's friends with Inhofe actually. They've campaigned together. In fact, nearly 20 years ago one of my best friends was his campaign manager when he ran for Congress in Tulsa unsuccessfully when he was in the state Senate. Pruitt's a studious guy, definitely a hard worker, ensures he's well prepared. I really like the guy. He's just a good guy. Daughter interned in the office and was a cheerleader at OU. I think he has two kids. His son is working in our office this January. He's definitely coming over. I mean this guy's getting confirmed. He's just good and Dems will have to shift target to something else. You'll enjoy working with him.

From: Blizzard, James [mailto:Blizzard.James@epa.gov]
Sent: Wednesday, January 04, 2017 8:25 AM
To: Jackson, Ryan (Inhofe) <Ryan_Jackson@inhofe.senate.gov>
Subject: Happy New Year

Where are you landing? Staying with Committee or with the Senator?

I understand Pruitt was around – are you able to say who his handlers were? Any follow-up for Senator Inhofe or Barrasso if you know.

Thanks Ryan.

From: Blizzard, James
To: Jackson, Ryan (Inhofe)
Sent: 1/4/2017 1:25:27 PM
Subject: Happy New Year

Where are you landing? Staying with Committee or with the Senator?

I understand Pruitt was around – are you able to say who his handlers were? Any follow-up for Senator Inhofe or Barrasso if you know.

Thanks Ryan.

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 4/30/2018 1:24:44 PM
To: Ex. 6 - Personal Email
Subject: RE: Re:

I'll give you a call a little later today if that's good.

From: Ex. 6 - Personal Email
Sent: Sunday, April 29, 2018 2:21 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Re:

Absolutely. Who should I contact to schedule?

Chad

On Apr 29, 2018, at 9:55 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Ex. 5 - Deliberative Process

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

Appointment

From: Eoc, Epahq [Eoc.Epahq@epa.gov]
Sent: 3/16/2019 7:32:53 PM
To: Eoc, Epahq [Eoc.Epahq@epa.gov]; Wheeler, Andrew [wheeler.andrew@epa.gov]; Darwin, Henry [darwin.henry@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Breen, Barry [Breen.Barry@epa.gov]; Wright, Peter [wright.peter@epa.gov]; Cook, Steven [cook.steven@epa.gov]; Cheatham, Reggie [cheatham.reggie@epa.gov]; Clark, Becki [Clark.Becki@epa.gov]; Perovich, Gina [Perovich.Gina@epa.gov]; Irizarry, Gilberto [Irizarry.Gilberto@epa.gov]; Woodyard, Josh [Woodyard.Joshua@epa.gov]; Lee, Eugene [Lee.Eugene@epa.gov]; Woolford, James [Woolford.James@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; Gray, David [gray.david@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Thomas, Deb [thomas.debrah@epa.gov]; Stoker, Michael B. [stoker.michael@epa.gov]; Jordan, Deborah [Jordan.Deborah@epa.gov]; Edlund, Carl [Edlund.Carl@epa.gov]; Manzanilla, Enrique [Manzanilla.Enrique@epa.gov]; Smidinger, Betsy [Smidinger.Betsy@epa.gov]; Konkus, John [konkus.john@epa.gov]
CC: Meer, Daniel [Meer.Daniel@epa.gov]; Cathy Breen [Ex. 6 - Personal Email] Chancellor, Erin [chancellor.erin@epa.gov]; Maguire, Charles [maguire.charles@epa.gov]; Garcia, David [Garcia.David@epa.gov]; Smith, Monica [smith.monica@epa.gov]; Smalley, Bryant [smalley.bryant@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Stalcup, Dana [Stalcup.Dana@epa.gov]; [Ex. 6 - Administrator's Email] [Ex. 6 - Administrator's Email] Rothery, Deirdre [Rothery.Deirdre@epa.gov]
Subject: Policy Coordination Committee Call for Gladstone Gold King Mine Interim Water Treatment Plant
Attachments: PCC Meeting Agenda_2019-03-16.docx
Location: [Ex. 6]
Start: 3/16/2019 9:00:00 PM
End: 3/16/2019 10:00:00 PM
Show Time As: Tentative

Policy Coordination Committee Call for Gladstone Gold King Mine Interim Water Treatment Plant



Policy Coordinating Committee
Gladstone Gold King Mine Interim Water Treatment Plant

Agenda

March 16, 2019

Introduction	Reggie Cheatham
Situational Updates	Region 8
EPA Actions Taken	Region 8, Region 6, and Region 9
Other Actions by Outside Stakeholders (New Mexico and USGS)	Region 6
EPA Posture Going Forward	Region 8, Region 6, Region 9

Appointment

From: Eoc, Epahq [Eoc.Epahq@epa.gov]
Sent: 3/16/2019 7:32:53 PM
To: Eoc, Epahq [Eoc.Epahq@epa.gov]; Wheeler, Andrew [wheeler.andrew@epa.gov]; Darwin, Henry [darwin.henry@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Breen, Barry [Breen.Barry@epa.gov]; Wright, Peter [wright.peter@epa.gov]; Cook, Steven [cook.steven@epa.gov]; Cheatham, Reggie [cheatham.reggie@epa.gov]; Clark, Becki [Clark.Becki@epa.gov]; Perovich, Gina [Perovich.Gina@epa.gov]; Irizarry, Gilberto [Irizarry.Gilberto@epa.gov]; Woodyard, Josh [Woodyard.Joshua@epa.gov]; Lee, Eugene [Lee.Eugene@epa.gov]; Woolford, James [Woolford.James@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; Gray, David [gray.david@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Thomas, Deb [thomas.debrah@epa.gov]; Stoker, Michael B. [stoker.michael@epa.gov]; Jordan, Deborah [Jordan.Deborah@epa.gov]; Edlund, Carl [Edlund.Carl@epa.gov]; Manzanilla, Enrique [Manzanilla.Enrique@epa.gov]; Smidinger, Betsy [Smidinger.Betsy@epa.gov]; Konkus, John [konkus.john@epa.gov]
CC: Meer, Daniel [Meer.Daniel@epa.gov]; Cathy Breen [Ex. 6 - Personal Email] Chancellor, Erin [chancellor.erin@epa.gov]; Maguire, Charles [maguire.charles@epa.gov]; Garcia, David [Garcia.David@epa.gov]; Smith, Monica [smith.monica@epa.gov]; Smalley, Bryant [smalley.bryant@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Stalcup, Dana [Stalcup.Dana@epa.gov]
Subject: Policy Coordination Committee Call for Gladstone Gold King Mine Interim Water Treatment Plant
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To: Eoc, Epahq [Eoc.Epahq@epa.gov]; Wheeler, Andrew [wheeler.andrew@epa.gov]; Darwin, Henry [darwin.henry@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Breen, Barry [Breen.Barry@epa.gov]; Wright, Peter [wright.peter@epa.gov]; Cook, Steven [cook.steven@epa.gov]; Cheatham, Reggie [cheatham.reggie@epa.gov]; Clark, Becki [Clark.Becki@epa.gov]; Perovich, Gina [Perovich.Gina@epa.gov]; Irizarry, Gilberto [Irizarry.Gilberto@epa.gov]; Woodyard, Josh [Woodyard.Joshua@epa.gov]; Lee, Eugene [Lee.Eugene@epa.gov]; Woolford, James [Woolford.James@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; Gray, David [gray.david@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Thomas, Deb [thomas.debrah@epa.gov]; Stoker, Michael B. [stoker.michael@epa.gov]; Jordan, Deborah [Jordan.Deborah@epa.gov]; Edlund, Carl [Edlund.Carl@epa.gov]; Manzanilla, Enrique [Manzanilla.Enrique@epa.gov]; Smidinger, Betsy [Smidinger.Betsy@epa.gov]; Konkus, John [konkus.john@epa.gov]
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Subject: Policy Coordination Committee Call for Gladstone Gold King Mine Interim Water Treatment Plant
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Delivery Report

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 3/15/2019 9:38:06 PM
To: David Feder [dfeder@cfl.rr.com]
Subject: Read: EPA CBAs

Your message

To: Jackson, Ryan
Subject: RE: EPA CBAs
Sent: 3/15/2019 7:56:28 PM

was read 3/15/2019
on 9:37:19
PM

Message

From: Victoria Nolte [victoria_nolte@ballastresearch.com]
Sent: 3/18/2019 3:29:40 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Studying engagement on policy

Hi Ryan,

I'm reaching out on behalf of Ballast Research (an affiliate of National Journal Research) because I believe your personal experience and insights can help our research. My team and I have been studying how organizations engage with government, with the goal of understanding what can make these engagements more effective for both parties.

The study will only take about 15 min and I'd really appreciate it if you'd take part.

Please let me know if you have any questions.

Warmly,

Victoria

--

Victoria Nolte
Research Analyst | Ballast Research

Ex. 6

600 New Hampshire Ave.
Washington, DC 20037

PRIVACY AND CONFIDENTIALITY: This study is conducted by Policy Brand Research, a division of Ballast Research and National Journal Research. A strict firewall is maintained between any research and newsroom department; journalists do not enjoy access to these data. Participation guarantees your identity will remain confidential. If you no longer wish to participate, please let us know.

Message

From: The Embassy of Canada [noreply@worldsbest.events]
Sent: 3/18/2019 3:29:38 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: You are invited to the Canadian Electricity Association Reception and Dinner



The Embassy of Canada
in partnership with the
Canadian Electricity Association
cordially invites you to a reception and dinner to discuss

Canada-U.S. Collaboration in the Electricity Sector

Keynote Speaker

Rep. Paul Tonko (D-NY), Chairman of the House Energy and Commerce Subcommittee
on Environment and Climate Change

April 11, 2019

Cocktail reception from 5:30 – 6:30 PM

Dinner from from 6:30 to 8:00 PM

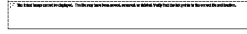
Embassy of Canada

501 Pennsylvania Ave., NW | Washington, D.C.

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RSVP

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From: Potomac Forum CyberSecurity In Government Workshop [Training@GovCyberSecurityWorkshop.org]
Sent: 3/18/2019 1:54:56 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: [SPAM] Starts Tomorrow - Gov Cyber Security for New & Experienced Gov Managers and Staff

Potomac Forum, Ltd.
**Managing and Implementing Cybersecurity in
Government Training Workshop**
What Government Executives, Managers, and Staff Need to Know
Tuesday, March 19, 2019

**- Starts Tomorrow - Tuesday - March 19th -
- OnSite Registration Permitted -
Latest in Cybersecurity for Experienced and
New Security Personnel**

**Managing and Implementing Cybersecurity in
Government
Training Workshop 2019**

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Policies, Regulations, and Best Practices and Reduce Risk to
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Tuesday, March 19, 2019

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**Dr. Ron Ross
NIST FELLOW
Leader, FISMA Implementation Team
National Institute of Standards and Technology (NIST)
Leader, Joint Transformation Initiatives Interagency Working
Group Author of the NIST Risk Management Framework,
SP800-53 Rev 4 and numerous other publications**

**Max Everett
Chief Information Officer
Department of Energy**

**Martin Stanley
Chief, Cybersecurity Assurance Branch
Department of Homeland Security**

**Mark Riddle
Principal for Controlled Unclassified Information (CUI)
Program Oversight
Information Security Oversight Office
National Archives and Records Administration (NARA)**

Just Announced:

**Peter Gouldmann
Enterprise Risk Officer -Cyber
Department of State**

**Jeff Harris
Chief, Security Operations
Information Security Division
Office of the Chief Information Officer
Small Business Administration**

Overview:

The goal of this new, one-day Training Workshop is to provide an update and a better understanding of current Federal cybersecurity policies and regulations as well as provide best practices for implementation. Federal guidance on IT security

tends to change due to advances in cybersecurity tools and technology, new administration priorities, evolving cyber threats to our national security, and other influencers. It can be overwhelming and hard to keep up with. This workshop will provide participants with the most up to date information so they can get ahead with activities that promote immediate cyber resilience.

Hear from government officials and industry experts tasked with implementing robust security and risk management strategies. Listen to a mix of different government panelists presenting practical information from both a security and risk management prospective, led by an experienced moderator that will discuss lessons learned on key issues Federal organizations are facing and the risks that are being seen today throughout the government. Learn about current NIST Standards and Guidelines from NIST Leader and what agencies should be prepared for in the future.

This workshop offers consolidated IT security fundamentals condensed into a 1-day program focused on the application of practical knowledge. It will provide participants with recommendations for small changes that, when implemented correctly, can improve cybersecurity scores and make reporting less painful. The goal of this workshop is to provide participants with some quick success strategies to make simple adjustments now in order to see improvements in the near term. Resource materials and references will also be provided.

What You Will Learn:

- For managers new to cybersecurity, receive a foundational overview of the most current Federal policies and regulations and where to start
- For experienced cybersecurity managers, receive a refresher and some new ways to prioritize and get quick wins when implementing the current regulations
- Learn how small changes to cybersecurity governance and management can improve scores
- Learn about current and future NIST Guidelines and Standards Requirements for All Federal Agencies

Why You Should Attend:

- Gain insight into new Federal cybersecurity regulations

including FITARA, OMB, and Executive Orders on cybersecurity

- **Receive a refresher on implementing the NIST Risk Management Framework (RMF) and Cybersecurity Framework (CSF) in your organization**
- **Obtain practical knowledge in implementing Federal requirements and regulations**
- **Learn real world best practices that enable proactive risk management in resource-constrained environments**
- **Learn how risk management and cybersecurity are essential for regulatory compliance**
- **Discuss cybersecurity challenges with Federal, State and Local Governments colleagues**

Who Should Attend: (Experienced and New Staff)

- **CISOs and Staff**
- **CIOs and Staff**
- **IT security and risk management practitioners**
- **Program Managers responsible for risk management**
- **Government Employees who want to better understand cybersecurity in their organization**
- **Industry and Contractors who support cybersecurity programs for the government**
- **All government and industry members who need to better understand Federal cybersecurity policies, regulations and best practices**

- Register Now -

**Special "Send-A-Team" Registration Fees
For Multiple Students from the Same Government Office**

**Workshop Is Open to
Federal, State and Local Government Employees
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**Press is NOT Permitted
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**Call: (703) 683-1613
Info@PotomacForum.org**

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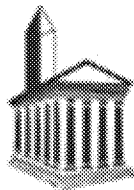
**programs may be of great interest and value to you and your
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2800 Eisenhower Avenue , Alexandria , Virginia, 22314 , USA

Message

From: McKinsey on Government [McKinsey_on_Government@mckinsey.com]
Sent: 3/18/2019 12:35:09 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Defining Government's Role in Cybersecurity, Advice for the Public Sector from Silicon Valley, Maximizing Infrastructure Budgets, and More

Defining Government's Role in Cybersecurity, Advice for the Public Sector from Silicon Valley, Maximizing Infrastructure Budgets, and More

Welcome to the Latest Edition of McKinsey on Government.



Dear Ryan,

Welcome to the latest edition of McKinsey on Government. In this compendium from McKinsey's Public and Social Sector Practice, we share advice from Silicon Valley on how to promote innovation in government, explore how developing economies can get the most out of their infrastructure budgets, prepare government leaders with the right questions to ask about cybersecurity, and more.



We hope you find these insights useful. If an interested colleague would like to receive future McKinsey on Government updates, they can subscribe [here](#).

All the best,

The McKinsey on Government Team

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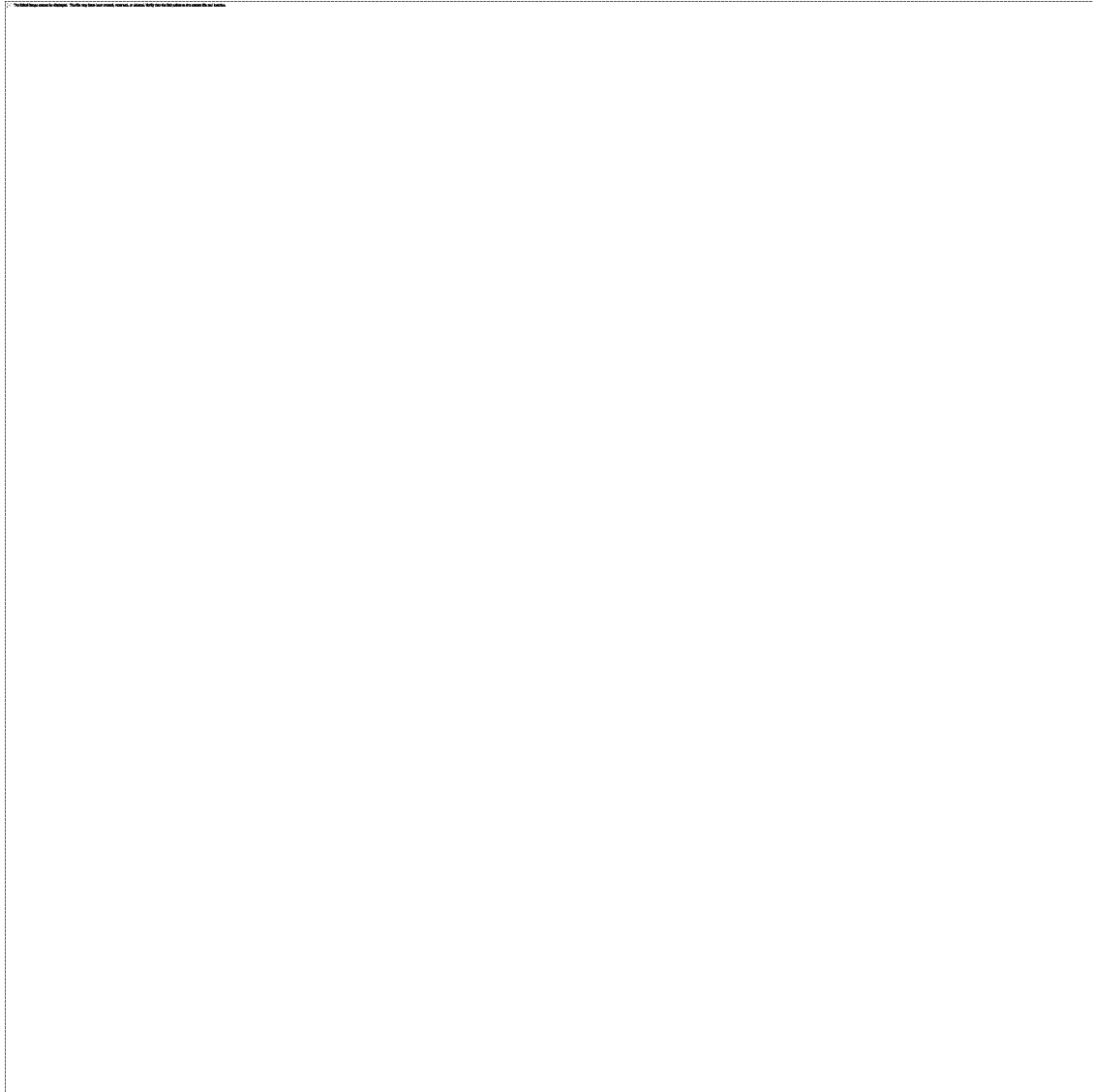
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Message

From: Amy Harder [amy@axios.com]
Sent: 3/18/2019 10:59:48 AM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Trump and Republicans are isolated on climate change

Trump and Republicans are isolated on climate change

[View this email in your browser](#)



Good morning,

You can check out my latest column here -- <http://axios.link/8awV> -- and it's

copied below. I reported it from both Houston and Washington last week, which felt world's apart.

ICYMI, my other coverage from the busy last week:

[Oil producer Equinor CEO on climate change, politics and more](#)

[GOP lawmaker: Green New Deal is like genocide](#)

[House GOP leaders push back against Green New Deal](#)

[Denmark, Midwest states lead the world in wind and solar](#)

[Natural gas exec: Trump team was slow on export permits](#)

[OPEC on Trump tweets, bill allowing lawsuits against it](#)

[Scoop: Oil producer EOG Resources commits to methane target](#)

Cheers,

Amy

Trump and Republicans are isolated on climate change

President Trump and congressional Republicans are increasingly outliers in an otherwise emerging consensus across America that climate change is a problem and that the government should pass new laws to address it.

The big picture: The shift has been underway for the last couple of years, driven by [investor pressure](#), [growing public concern](#) and mounting [scientific urgency](#). In the last several months, the fervor around the Green New Deal is accelerating this shift and accentuating Republicans' isolation and their internal divisions -- as a handful of Republicans break ranks and acknowledge the problem is real.

The intrigue: The juxtaposition was on stark display last week.

- I spent the first half of last week at a major oil and gas conference in Houston, where virtually all executives acknowledged climate change as a pressing issue and a few, including CEOs of major oil companies like BP and Equinor, implored the industry to do more and embrace big policy changes.
- The second part of the week I was back in Washington, D.C., where Republican leaders of House committees held a press conference to criticize the Green New Deal but didn't discuss policies they would pursue instead of it.

Where it stands: After a decade of either questioning or ignoring climate change, some Republicans are slowly beginning to discuss the issue. But for now it's mostly rhetoric and it's not enough to convince the majority of the party, and especially Trump, to change their views.

- Trump is considering creating a controversial panel questioning federal climate reports. A senior administration official said the government takes "seriously the issue of climate change and it is important that policies and decision-making be based on transparent and defensible science."
- The loudest voices in the Republican congressional caucus are those that make inflammatory or bizarre statements, such as likening the Green New Deal to genocide and responding to a question about climate change by explaining photosynthesis.

Between the lines: Those remarks aside, a fundamental difference persists between what most Republicans say should be done about climate change versus almost all other leaders: mostly status quo with incremental bills versus more sweeping policy changes.

- Republicans say what they're supporting now — relatively narrow bills on topics like carbon-capture technology, hydropower and nuclear power — is sufficient.
- Zack Roday, spokesman for Republicans on the House Energy and Commerce Committee, said: "I disagree that those are minor bills — solutions that reduce emissions while expanding America's renewable energy options matter."
- Bigger policies that could more substantially reduce emissions are unpopular with most conservative lawmakers: a price on carbon emissions, regulations or subsidies.
- Matt Sparks, spokesman for House Minority Leader Kevin McCarthy, said: "Conservatives are leaning into the debate on our future. ... But whether it is a carbon tax or Green New Deal, the conventional conversation in Washington today has impacts that hurt working Americans."

Almost everyone else says far broader policy changes are needed — including most oil and gas executives, other parts of corporate America, scientists, the United Nations, Democrats, economists, environmentalists, and youth activists.

- There's big disagreement about what that policy should be, and how to ensure a big reduction in greenhouse gas emissions doesn't cost too much. Energy costs are traditionally regressive: hitting poorer people more.
- There's certainly no consensus that it needs to be the Green New Deal, which shows how far some Democrats have shifted to the left. The proposal is a non-binding resolution calling on Congress to pass a 10-year plan drastically reducing emissions and creating government-run health care and job guarantee programs.

At the Houston conference, energy executives and other experts, including Ernest Moniz, President Obama's former Energy Secretary, said the proposal is

unrealistic. Yet amid the criticism, there was widespread agreement the government should be acting more.

"I think there is a general acceptance in the energy industry that there should be some kind of pricing on carbon emissions," Charif Souki, a pioneer in the natural-gas industry and founder of Tellurian Inc., a gas export company, told me on the sidelines of the conference, called CERAWEEK by IHS Markit.

On the Green New Deal, Souki said: "This is a bunch of aspirations. Tell me how we're going to get there and tell me how also we're going to provide electricity to a billion people who don't have it." Yet he said the debate around it is healthy: "That's part of democracy."

Rep. Garret Graves (R-La.), who is the top Republican on the new select committee Democrats created to discuss climate change, is looking for new bipartisan policies, according to spokesman Kevin Roig.

- One includes making changes to the Climate Change Technology Program to focus on "technologies we can truly commercialize that will result in" lower energy costs and emissions, Roig said.
- That program dates to 2002 and is led by the Energy Department. [Its website](#) isn't working, and among the only information I could find about it is [this 2006 report](#).

What we're watching: Whether Republicans support new, more substantive policy, including a price on carbon emissions.

- Two House Republicans, Francis Rooney of Florida and Brian Fitzpatrick of Pennsylvania, support a carbon tax — out of nearly 200 GOP House members.
- The Climate Leadership Council, a group backed by former Republican politicians and [oil companies](#), has a plan to tax carbon emissions and send the money back to consumers. The leader of that group, Ted

Halstead, predicts the Senate will introduce a bill on that policy later this year — with Republican support.

Amy

energy reporter, Axios

202.906.9629

@AmyAHarder



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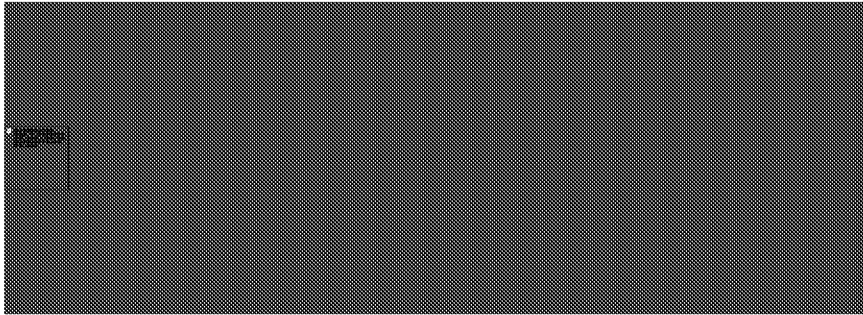
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From: IEDC [iedcnews@iedconline.org]
Sent: 5/7/2018 4:24:31 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Now: Happy Economic Development Week! + New IEDC Energy Report Out This Week



MAY 7, 2018 | VOLUME 18 | ISSUE 9



Happy Economic Development Week!

IEDC wishes you a great week of celebrating all things economic development. We appreciate everything you do to make your communities strong and vibrant! In honor of ED Week, check out these new resources and see how your peers are celebrating.

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Research Preview: The Changing Energy Landscape and its Impact on Economic Development in America

Seismic shifts in the energy sector are having big implications for economic development across the country. IEDC's Economic Development Research Partners dives headfirst into these trends with a new report that will be released this Economic Development Week. It includes chapters on coal, oil and natural gas, renewables, and nuclear energy, plus case studies highlighting communities on the frontline of energy transformations.



"In the national perspective, it has become left versus right. It has never been that here. It has always been about jobs and economic development."

John Boorman, Iowa Wind Energy Association, on the state's bipartisan push for green jobs



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AEDO Profile: The Right Place

IEDC's Accredited Economic Development Organization (AEDO) program recognizes the professional excellence of organizations in the areas of internal and external operations, structures, and procedures. This series profiles newly accredited AEDOs, putting some of economic development's highest-performing organizations in the spotlight. This edition: The Right Place, Grand Rapids, Mich.



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Visit the *Economic Development Now* homepage to view all the posts below and more.

Business attraction & marketing

- Arkansas invests in local competitiveness
- Five tips to market your Main Street businesses

Real estate & revitalization

- Should we build cities out of wood?
- The sky is (literally) the limit for e-commerce real estate

Workforce

- For May Day, a workforce development roundup
- Cities and counties now using incentives to attract people

Other links of interest

The Bollinger Open Golf Tournament is held each year at Andrews Air Force Base just outside Washington, D.C. The Open raises money for the Bollinger Foundation, which provides scholarships to student that lost a parent who worked - or the surviving parent continues to work - in the field of public or affordable housing, community development, or economic development. **The open tees off this year on Friday, June 8.**

Federal Reserve accepting applications to serve on Community Advisory Council

The Community Advisory Council (CAC) meets biannually with the Federal Reserve Board of Governors to provide feedback and advice on issues affecting consumers and communities, with a particular focus on the concerns of low- and moderate-income populations. Applications to serve on the council are now open through June 15.



Workforce Investment Areas Map

There are nearly 600 workforce investment boards across the United States, which are mapped in this interactive tool from the Upjohn Institute. The map includes the most recent statistics on employment outcomes and characteristics of Workforce Investment Act adult, dislocated worker, and youth participants, along with each area's unemployment rates.

- New IEDC award category recognizes equity and inclusion
- Smart zoning is key to wind energy success



Conferences

2018 Economic Future Forum

June 24-26 | Buffalo

2018 Annual Conference

Sept 30 - Oct 3 | Atlanta

Webinars

2018 National Economic Development Week from Washington, DC

May 9

Free: Becoming Accredited: A Conversation on the AEDO Program

May 10

Strengthening Your Workforce and Economic Development Partnerships

May 17

Keeping Up with Both Sides of The NAFTA Debate and its Impacts on the Global Economy

June 7

Training Courses

Economic Development Marketing and Attraction

May 10-11 | Albuquerque, NM

Technology-Led Economic Development

May 17-18 | Toronto, ON

Workforce Development Strategies

May 24-25 | Ft. Myers, FL

Managing Economic Development Organizations

June 13-14 | Kelowna, BC

TIGER grants to be replaced by new BUILDS program

The Better Utilizing Investments to Leverage Development (BUILD) program will disburse \$1.5 billion for surface transportation infrastructure projects that promise significant local or regional impact, including funding for roads, bridges, transit, rail and ports.

New changes to FEMA flood insurance program

Changes to the National Flood Insurance Program include updated insurance policy premiums that conform to the premium rate caps established by the Biggert-Waters Flood Insurance Reform Act and the Homeowner Flood Insurance Affordability Act.

EPA to clarify WOTUS withdrawal process

The notice aims to clarify confusion caused by the initial proposal in 2017 which outlined the process EPA would use to withdraw the 2015 Waters of the U.S. (WOTUS) rule.

- Emily Brown has been named director of Penn State Harrisburg's economic development course. Brown is an economic development strategist at Fourth Economy Consulting in Pittsburgh (Penn.) and previously served as IEDC's director of applied research.

RFP, Economic Development Strategic Plan, Decide DeKalb and DeKalb County (Atlanta, GA)

Decide DeKalb and DeKalb County government in metro Atlanta, Georgia are seeking a qualified consulting or planning firm to conduct, and update, an economic development strategic plan. Primary review, recommendations, and research will be confirmed around four key areas: economic development, public finance, workforce development, and real estate.

Key dates to remember:

- Thursday, May 03, 2018: written questions due to Dorian DeBarr by 5:00p EST
- Tuesday, May 08, 2018: responses posted at Decide DeKalb by 5:00p EST
- Friday, May 11, 2018: proposals are due to Dorian DeBarr by 5:00p EST
- Monday, June 15, 2018: projected start date
- Friday, November 09, 2018: projected completion date

Proposals due on Friday, May 11, 2018 are preferred to be submitted in a PDF - no hard copies, please.

View the RFP.



Got openings? Place your job ad with IEDC and get four weeks of exposure to more than 25,000 economic development professionals across the nation and beyond. Simply fill out our simple [online form](#).

» Visit the Job Center for details on each listing.

May 7, 2018

- Director of Business Development, World Business Chicago (Chicago, IL)
- Senior Vice President, Economic Development, Invest Atlanta (Atlanta, GA)
- President/CEO, Economic Development, Etowah County, Alabama Economic Development Alliance
- Economic Development Research Manager, Northern Kentucky Tri-ED (Ft. Mitchell, KY - Cincinnati, OH Region)
- Executive Director of Economic Development, Bay City Community Development Corporation (Bay City, TX)

Economic Development
Strategic Planning
June 14-15 | Baltimore, MD

Economic Development
Strategic Planning
June 14-15 | Baltimore, MD

Entrepreneurial and Small
Business Development
Strategies
June 21-22 | Buffalo, NY

Economic Development
Credit Analysis
July 25-27 | San Antonio, TX

Business Retention and
Expansion
August 16-17 | Denver, CO



We're interested in your feedback, suggestions for subjects to cover, and guest author inquiries. Contact Managing Editor Louise Anderson (landerson@iedconline.org) or Associate Editor Eli Dile (edile@iedconline.org) with your ideas or interest.

April 30, 2018

- Vice President, Business Development, Enterprise Florida (Orlando, FL)
- Economic Development Administrator, Delaware County Economic Development (Delaware, OH)
- Deputy Director, Berks County Industrial Development Authority (Reading, PA)
- Economic Development Director, Roanoke, VA
- Manager, Targeted Marketing, Economic & Business Development, American Electric Power (Columbus, OH)
- Economic Development Director, City of River Falls (River Falls, WI)

April 23, 2018

- Vice President Economic Development, Greater Green Bay Chamber of Commerce (Green Bay, WI)
- Director of Economic Development, Irving Economic Development Partnership (Irving, TX)
- President, Brunswick Glynn County Development Authority (Brunswick, GA)

April 16, 2018

- Business Manager, Virginia Economic Development Partnership (Richmond, VA)
- Economic Development Director, Conecuh County, Alabama
- Local Disaster Recovery Director, Monroe County, FL (Key West, FL)



The International Economic Development Council (IEDC) is a non-profit, non-partisan membership organization serving economic developers. With more than 5,000 members, IEDC is the largest organization of its kind. Economic developers promote economic well-being and quality of life for their communities, by creating, retaining and expanding jobs that facilitate growth, enhance wealth and provide a stable tax base. From public to private, rural to urban and local to international, IEDC's members are engaged in the full range of economic development experience. Given the breadth of economic development work, our members are employed in a wide variety of settings including local, state, provincial and federal governments, public-private partnerships, chambers of commerce, universities and a variety of other institutions. When we succeed, our members create high-quality jobs, develop vibrant communities, and improve the quality of life in their regions.

734 15th Street NW, Suite 900 | Washington DC, 20005 | Phone: (202) 223-7800 | Fax: (202) 223-4745

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Message

From: Scott Corley [scott@corleypipes.com]
Sent: 3/18/2019 4:46:36 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Time to meet with CRH--largest building materials company in the US and globally...

Hey Ryan—hope this note finds you happy and well. Wanted to see if we could set-up time for you to meet with Ryan Lindsey, who leads US government affairs for CRH (formerly Oldcastle Materials). Ryan wants to share with you their recent experiences in states with regard to environmental policy but also just meet and connect with you.

Let me know if you're open to meeting. I can get dates Ryan will be in DC to your scheduler from there.

Again, hope all is well. Very exciting for Stewart to be with Ivanka now—she seems to really be thriving.

Thanks again, too, for meeting with my Fort Worth councilmembers last year, Ryan. They really appreciated your insights.

Scott

Scott Corley
Partner & Cofounder
Corley+Pipes Consulting LLC

Ex. 6

Message

From: Andrew Perez [andrew@maplight.org]
Sent: 5/7/2018 5:24:28 PM
To: Abboud, Michael [abboud.michael@epa.gov]; Wilcox, Jahan [wilcox.jahan@epa.gov]; Daniell, Kelsi [daniell.kelsi@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Press [Press@epa.gov]
Subject: Re: Seeking info on whether Admin Pruitt double dipped

Checking in on this - do you plan to comment? Our deadline is 3pm. We would greatly appreciate your input.

Thanks,
Andrew

ANDREW PEREZ
MapLight
Political Reporter
Ex. 6
t: @andrewperezdc

On Fri, May 4, 2018 at 3:36 PM, Andrew Perez <andrew@maplight.org> wrote:

Hey -

I recently reached out to you all about a \$400 reimbursement Administrator Pruitt sought on his way out as Oklahoma attorney general for items that had been purchased six years earlier.

Here's that story: <https://maplight.org/story/mirror-mirror-on-the-ags-wall-and-six-years-later-also-on-pruitts-expense-account/>

Oklahoma campaign finance records strongly suggest Pruitt had already been reimbursed from his campaign account for the same items.

In August 2014, the campaign repaid him for expenses at the same stores that match up exactly with the receipts he presented for reimbursement in Feb. 2017. I am including pictures for your review.

So our question to you is - did Administrator Pruitt double dip on these expenditures? If so, why? And is he going to pay the state back?

I know I just sent a request for comment on a separate story but I would appreciate if you handle this one first.

Thank you,
Andrew

ANDREW PEREZ
MapLight
Political Reporter
Ex. 6
t: @andrewperezdc

Message

From: Peter Robertson [peterrobertson@pebblepartnership.com]
Sent: 4/25/2018 5:33:53 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re: Letter to the Administrator
Attachments: 20180425125804.PDF

Ryan,

Guess I should have actually attached the letter before I hit send.

Peter

From: Peter Robertson
Sent: Wednesday, April 25, 2018 1:31:27 PM
To: jackson.ryan@epa.gov
Subject: Letter to the Administrator

Ryan,

I'm attaching a letter to Administrator Pruitt to this email. I would appreciate it if you could bring this to his attention. He spoke a couple of weeks ago to a group of conservative organizations. During that meeting, he was asked about the Pebble preemptive veto. His answers were conveyed to us, and this letter reacts to some of the things he said.

One of the things he said was that he was willing to hear new information about Pebble. This letter contains information which the Administrator clearly has not heard before. It also contains a request to meet with him so that we can discuss these matters in greater detail. Anything you can do to help facilitate such a meeting would, of course, be greatly appreciated.

Look forward to hearing from you.

Best,

Peter



Peter D. Robertson
The Pebble Partnership
1330 Connecticut Avenue, NW

Washington, DC 20036

Ex. 6



April 24, 2018

The Honorable Scott Pruitt
Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt:

It is our understanding that you appeared before a group of non-governmental organizations and others last Wednesday, April 11, 2018. During the course of that meeting, you responded to a question about your decision to leave in place the Obama-era regulatory overreach and unprecedented preemptive 404(c) veto imposed on the Pebble mine.

We heard from several people who attended that meeting, who are very concerned about the EPA's use of a 404(c) preemptive veto, about your comments on Pebble and suspending the withdrawal of the "Proposed Determination."

According to participants, you also said we could bring new information about the mine to you. We appreciate your willingness to listen and respectfully request a meeting to do so. We will contact your staff to set up such a meeting. In advance of that discussion, we believe it is important to provide you with accurate information and provide our perspective on some of the issues you cited.

Flawed and Biased Science Was Created by Obama EPA to Justify Unprecedented 404(c) Action.

You noted that the decision was based on the data before you. You stated that the mine was in an area with two rivers, and that the mine could impact millions of fish. We assume that in making these statements, you are relying on the Bristol Bay Watershed Assessment ("BBWA"). That report was developed by the Obama Administration to support a predetermined decision to veto the Pebble Mine through an unprecedented



process before a permit application – containing an actual mine plan and other important aspects, such as proposed mitigation – had even been submitted for review. This discredited Obama EPA science is wholly insufficient to support making any regulatory decision, especially one of this significance, and that point was made by a number of EPA’s own peer reviewers of the BBWA.

Moreover, The BBWA is an outdated, severely flawed study that used hypothetical mine plans in assessing potential impacts to the region. When EPA prepared the BBWA, it is important to remember that Pebble had never filed a mine plan or a Section 404 permit application. The BBWA assumed we would be in two river systems. As our permit application makes clear, major mining operations are only in one watershed. Pebble Project, Department of the Army, Application for Permit, POA-2017-271, p. 31, found at <https://pebbleprojecteis.com/documents/background>.

Former Senator and Secretary of Defense William Cohen undertook an independent review of EPA’s actions. Among other things, he found that “EPA relied upon the BBWA in its Proposed Determination but acknowledged that there were significant gaps in its assessment and that it was not designed to duplicate or replace the Permit/NEPA Process.” <http://files.cohengroup.net/Final/Final-Report-with-Appendices-compressed.pdf>.

The U.S. House of Representative’s Committee on Science, Space, and Technology extensively reviewed the process used to veto the mine and the so-called science developed to support that process. The Chairman of the Committee wrote: “EPA employees colluded with third party Pebble Mine opponents. They sought to deliberately establish a record that pointed to one outcome: the Pebble Mine will be excluded from the regular permitting process and should be stopped.” <https://science.house.gov/sites/republicans.science.house.gov/files/documents/HHRG-114-SY-WState-S000583-20160428.pdf>. The Committee also “determined that the pre-emptive action taken for the Pebble Mine Project was unprecedented under the Clean Water Act and was justified by a questionable assessment that relied on predetermined conclusions developed by EPA officials.” <https://science.house.gov/sites/republicans.science.house.gov/files/documents/02.22.17%20SST%20Letter%20to%20EPA%20Administrator%20Pruitt.pdf>. Finally, the Committee found “that EPA employees inappropriately assisted outside groups in petitioning the



agency to change the way they operate and use Section 404(c) to stop this project." <https://science.house.gov/sites/republicans.science.house.gov/files/documents/02.22.17%20SST%20Letter%20to%20EPA%20Administrator%20Pruitt.pdf>. The U.S. House Committee on Oversight and Government Reform came to a similar conclusion, stating in a November 2015 report "that EPA employees had inappropriate contact with outside groups and failed to conduct an impartial, fact-based review of the proposed Pebble mine." <https://oversight.house.gov/wp-content/uploads/2015/11/Bristol-Bay-Pebble-Mine-Staff-Findings-Nov-2015-Final.pdf>.

The Actual Pebble Mine Plan, Designed for Sustainability.

As our permit application sets out, "[t]he layout was designed to consolidate the majority of the site infrastructure in a single drainage, the North Fork Koktuli, and avoid the placement of waste rock or tailings in the Upper Talarik Creek drainage." Pebble Project, Department of the Army, Application for Permit, POA-2017-271, p. 31, found at <https://pebbleprojecteis.com/documents/background>. I took those steps explicitly for sustainability purposes, because the Upper Talarik Creek supports significantly greater numbers of salmon than does the North Fork Koktuli. However, your statement that "millions of salmon" occupy this area is simply incorrect. The average escapement of salmon (i.e., those that return to these streams to spawn) for the years 2004-2009 is about 65,000 salmon/year.

This single point most perfectly exemplifies why this veto raises such serious concerns. President Obama's EPA initiated a preemptive veto, and the decision to leave it in place is evidently based on "facts" that our permit application and other data show are simply not true.

No Consultation with Project Proponent.

We understand that you stated that you sent "political advisers" to the area to investigate. While these Agency employees did attend public hearings, they did not speak with anyone from Pebble while in the state. It seems that if they wanted to get a comprehensive understanding of the issues involved, a meeting with the project proponent would have been advisable. We would have, of course, welcomed such a meeting.



Withdrawal of Proposed Veto is Clearly a Discretionary Action.

We understand the concern that you could be sued if you withdrew the Obama-era proposed preemptive veto by a suit alleging that your decision was arbitrary and capricious under the Administrative Procedure Act. Such suits are common, and we understand why you would be concerned about such a suit. Such a case has no merit and would likely be thrown out by any court. The decision to initiate a veto or not to do so is entirely in your discretion. The case law on such actions is solid – they are not reviewable. In addition to being entirely within your discretion, a decision to withdraw the veto would not be final agency action, and therefore not subject to review by courts. We have attached a memorandum that addresses this issue. See, Attachment 1.

If you are concerned about any mining in the area, as some meeting participants indicated to us, it is important to remember that the Obama EPA acknowledged in the BBWA that a mine smaller than their .25 hypothetical mine would be allowed to go through the permitting process. Therefore, even the Obama Administration is on record as stating that some mine in the area could be approved.

Continued Denial of Due Process.

Just because Pebble can go through permitting, that does not mean that the project has due process. While the U.S. Army Corps of Engineers is reviewing our permit application, it cannot issue a permit while the proposed veto is still pending because the regulations prevent them from doing so. See, 33 CFR Sec. 323.6(b). This “overhang” represents a clear denial of due process and does not reflect the rule of law. We should not be subject to a requirement that a veto must be withdrawn before we can receive a permit. That was clearly not the way Congress designed the Clean Water Act, nor was it the intent of the settlement agreement we have with the Agency.

An Adverse Precedent for Resource Development in the U.S.

Many of your ardent supporters understand that the precedent purposely left in place can and likely will be cited by future administrations as justification for action on other projects. Environmentalists understand that it may take only a proposed, preemptive veto to stop a development project, thus weaponizing the 404(c) veto process. Such administrations could use the 404(c) authority to initiate one, or dozens, or hundreds of



proposed preemptive vetoes. These vetoes could prevent permits from ever being issued whether EPA finalizes those vetoes or not. Because proposed vetoes are not final agency actions, project proponents would not be able to obtain judicial review of those proposed preemptive vetoes. EPA will have created a 'Catch 22' that could effectively stymie development. This seems inconsistent with your successful record of regulatory reform at the EPA.

This action also is completely inconsistent with the policy position articulated by President Trump on EPA's appropriate role on such matters. As you know, in the recent proposal to Congress concerning infrastructure financing and project streamlining, President Trump has proposed to repeal Section 404(c) of the Clean Water Act in its entirety.

Pebble Did Legally Challenge EPA's Authority.

Participants report that you said Pebble had not sued the Agency attacking EPA's authority to issue a preemptive veto. In fact, we did attack in court the statutory authority to issue such vetoes. The court dismissed the suit as not ripe because there was no final agency action. Interestingly, the Federal judge in Alaska hearing the three cases we filed requested briefing on both the merits and on the ripeness issue simultaneously. See, Attachment 2. We believe that the argument that the Agency lacks statutory authority to promulgate a preemptive veto is strong, and we commend these arguments to your attention.

The "proposed determination" left in place is exactly the same preemptive veto proposed by the Obama Administration. It is NOT based on an examination of our proposed mine plan, nor does it have a robust environmental impact statement to support it. Withdrawing this flawed preemptive veto does not prevent you from initiating a new one at the proper point in the process if you choose to do so, based on a full administrative record. Continuing with the Obama-era flawed veto, based on a discredited Bristol Bay Assessment, is to continue a preemptive veto.



We look forward to discussing these issues with you further, and will be pleased to fully describe the mine plan that we have submitted for review, when we meet.

Sincerely,

A handwritten signature in cursive script that reads "Tom Collier".

Tom Collier
CEO

Attachment 1

Judicial Review of Withdrawal of Proposed Determination

- EPA would likely prevail on an APA or citizen suit challenging its decision to withdraw the Proposed Determination without reviewing public comments.
 - Under either APA, or CWA's citizen suit provision, a plaintiff seeking to challenge the withdrawal of EPA's Proposed Determination has to demonstrate that it is challenging a *nondiscretionary* duty. See 5 U.S.C. 701(a) (APA grants a court jurisdiction to review actions taken by an agency except to the extent "agency action is committed to agency discretion by law"); 33 U.S.C. § 1365 (citizen suits may be brought where there is an alleged "failure . . . to perform any act or duty under this Act which is not discretionary with the Administrator").
 - We have not found any case challenging EPA's decision to withdraw a Proposed Determination. However, several courts have dismissed suits claiming that EPA improperly failed to exercise its Section 404(c) authority, holding that such authority is committed to the discretion of the agency. The reasoning of these cases is persuasive here.
 - In *Preserve Endangered Areas of Cobb's History, Inc. v. United States Army Corps of Engineers*, 87 F.3d 1242, 1249-50 (11th Cir.1996), plaintiffs brought a CWA citizen suit against EPA for failing to veto the Corps' issuance of a 404 permit. The court dismissed the claim, holding that EPA's authority to veto a section 404 permit is discretionary. The court summarized the various reasons why Section 404(c) is best viewed as discretionary, including the statute's use of the word "authorized" in Section 404(c). See 33 U.S.C. § 1344(c) (the "Administrator is authorized to prohibit . . . and authorized to deny or restrict the use of any defined area for specification . . ."). The court found that the use of the term "authorized" (as opposed to "shall") suggests a discretionary function. The court also pointed out that the discretionary nature of the EPA's veto authority is also the interpretation adopted by the agency, as seen in its regulations, which use the permissive "may," as opposed to the mandatory "must" or "shall." See 40 C.F.R. § 231.1(a) ("Under section 404(c), the Administrator may exercise a veto over the specification by the U.S. Army Corps of Engineers or by a state of a site for the discharge of dredged or fill material.").
 - Numerous courts have agreed with this reasoning. See also *Hill v. Boy*, 144 F.3d 1446, 1449 n. 7 (11th Cir. 1998) (upholding dismissal of citizen suit against EPA and the Corps for failing to use their authority to veto the Corps' issuance of a section 404 permit because authority to veto a section 404 permit is discretionary); *City of Olmstead Falls v. EPA*, 266 F. Supp. 2d 718, 722-23 (N.D. Ohio 2003) (court lacked jurisdiction under APA to review EPA's decision not to veto the Corps' decision to issue a Section

404 permit because the EPA's "veto power as set forth in Section 404(c) is discretionary").

- Other courts have also noted in dicta that the use of Section 404(c) is discretionary. See *Mingo Logan Coal Co. v. EPA*, 70 F. Supp. 3d 151, 166 (D.D.C. 2014) (noting "section 404(c) contains *permissive, discretionary* language") (emphasis added); *Ctr. for Biological Diversity v. United States Army Corps of Engineers*, No. CV 14-1667, 2015 U.S. Dist. LEXIS 76653 at *8 (C.D. Cal. Feb. 4, 2015) (EPA "has the *discretionary* authority to veto that decision if it makes certain findings regarding the adverse effects of the permitted action.") (emphasis added).
- Despite this case law, two courts have permitted suits against EPA where the agency chose not to initiate a veto.
 - Relying on a Fourth Circuit case that held generally that EPA's ultimate responsibility for the protection of wetlands under the CWA was a non-discretionary duty, *Nat'l Wildlife Fed'n v. Hanson*, 859 F.2d 313 (4th Cir. 1988), one district court held that a plaintiff can maintain a suit where the "Administrator fails to exercise the duty of oversight imposed by" Section 404(c). See *South Carolina Coastal Conservation League v. United States Army Corps of Engineers*, No. 2:07-3802-PMD, 2008 U.S. Dist. LEXIS 69499 (D. S.C. Sept. 11, 2008).
 - In *Alliance to Save the Mattaponi v. United States Army Corps of Engineers*, 515 F. Supp. 2d 1 (D.D.C. 2007), the district court dismissed plaintiff's citizen suit alleging that EPA failed to veto a Corps permit, holding that "this veto power ... is discretionary." However, it concluded that plaintiff's APA claim survived because the CWA provides a standard by which to judge EPA's discretion – whether the discharge will have an unacceptable adverse effect. Because in this case EPA had not based its decision on this standard, the court ultimately found that EPA had acted arbitrarily and capriciously, *Alliance to Save the Mattaponi v. United States Army Corps of Engineers*, 606 F. Supp. 2d 121 (D.D.C. 2009).

Attachment 2

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

PEBBLE LIMITED PARTNERSHIP and
ALASKA PENINSULA CORPORATION,

Plaintiffs,

and

STATE OF ALASKA,

Intervenor-Plaintiff,

vs.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, and DENNIS J.
McLERRAN, in his official capacity as
Regional Administrator of EPA Region 10,

Defendants.

No. 3:14-CV-0097-HRH

ORDER

Case Status

A status and scheduling conference was held in this case on July 11, 2014.

The court minutes of the foregoing conference are supplemented as follows for purposes of scheduling clarity.

Plaintiffs moved for reconsideration¹ of the court's order of July 7, 2014,² granting UTBB's motion to intervene. Plaintiff has responded to the motion for reconsideration.³

¹Docket No. 71.

²Docket No. 69.

³Docket No. 72.

Reconsideration is granted. The court's July 7, 2014, order granting intervention is vacated. The court will entertain opposition to UTBB's motion to intervene if filed on or before July 18, 2014. Any reply shall be served and filed on or before July 23, 2014.

Nunamta Aulukestai has moved to intervene.⁴ Any opposition to that motion shall be served and filed on or before July 18, 2014. Replies may be served and filed on or before July 23, 2014.

The defendants propose to file a motion to dismiss. That motion shall also be served and filed on or before August 11, 2014. Usual response and reply times shall be observed.

Defendants' response to plaintiffs' motion for preliminary injunction is currently due July 28, 2014.⁵ A second motion for preliminary injunction by intervenor-plaintiff State of Alaska has been filed.⁶ The time for defendants to respond to both motions for preliminary injunction is extended to August 11, 2014. Usual reply times shall be observed.

Defendants' response to the two motions for preliminary injunction may be consolidated, but the defendants' proposed motion to dismiss shall be separately briefed.

After consultation with counsel, the court has determined to invoke the provisions of Rule 65(a)(2), Federal Rules of Civil Procedure, which permits a court to consolidate proceedings on the merits of a case with proceedings on motion for preliminary injunction. That is, the court intends taking up first defendants' motion to dismiss and then the construction of § 404(c) of the Clean Water Act, 33 U.S.C. § 1344(c), and the State of Alaska's arguments based upon the Alaska Statehood Act, Pub. L. No. 85-508, 72 Stat. 339 (1958). The defendants' response to the motions for preliminary injunctions, as well as replies on those motions, should focus upon these legal issues. It is the court's perception that if the defendants' motion to dismiss is not dispositive of the case, a decision on the merits of the

⁴Docket No. 77.

⁵Docket No. 70.

⁶Docket No. 61.

foregoing legal issues (the construction of § 404(c) and the Alaska Statehood Act) are likely to be dispositive.

DATED at Anchorage, Alaska, this 11th day of July, 2014.

/s/ H. Russel Holland
United States District Judge

From: Keith Heard [Keith@nrwa.org]
Sent: 4/18/2018 7:57:24 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: RE: Email to Ryan Jackson

Ryan, thank you for your interest in this matter. The award was for the FY 2017-2018 Training and Technical Assistance to Improve Water Quality and Enable Small Public Water Systems to Provide Safe Drinking Water program. This is the program that Sam and I met with you about a couple of weeks ago. As you know, the National Rural Water Association is known as being the preeminent provider for technical assistance for the nations small water and waste water systems. It is the number one issue our 30,000 plus systems support. The dollars that EPA has awarded NRWA and its 50 state membership has been going down at a pretty good clip over the years. In fact, this program used to fund one fulltime technical assistance provider per state which is not the case now. That is the reason Congress passed PL 114-98, the Grassroots Rural and Small Community Water Systems Assistance act. I have listed the grantees for the 2 year allocation below. As you will see NRWA is listed as receiving \$8.1 million over a two year period as opposed to another organization receiving three awards which does not have nearly the reach of NRWA as was recognized by Congress. I understand this may be the way it is but still think it was unfair to make a two year decision without reflecting previous language.

The grantees are:

- National Rural Water Association
 - o \$8.1 million: Provide training and technical assistance for small public water systems to achieve and maintain compliance with the Safe Drinking Water Act
- Rural Community Assistance Partnership
 - o \$8.1 million: Provide training and technical assistance for small public water systems to achieve and maintain compliance with the Safe Drinking Water Act
 - o \$2.2 million: Work with small publicly-owned wastewater and on-site/decentralized wastewater systems to improve water quality
 - o \$3.4 million: Work with private well owners to improve water quality
- University of North Carolina at Chapel Hill (on behalf of the Environmental Finance Center Network):
 - o \$3.6 million: Help small drinking water systems improve financial and managerial capacity to provide safe drinking water

Thank you.

BKH

B. Keith Heard

National Rural Water Association
101 Constitution Ave. NW
Suite 850 East
Washington, D.C. 20001

Ex. 6

From: Jackson, Ryan <jackson.ryan@epa.gov>
Sent: Wednesday, April 18, 2018 2:13:46 PM
To: Keith Heard
Subject: RE: Email to Ryan Jackson

What was the award?

From: Keith Heard [mailto:Keith@nrwa.org]
Sent: Wednesday, April 18, 2018 1:25 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: FW: Email to Ryan Jackson

Good Afternoon Ryan. As you may be aware, EPA recently awarded the two year technical assistance funding for improved water quality and waste water. Unfortunately they did not take into account Congress's intent as reflected in PL-114-98 which passed the House and Senate unanimously and signed by the President in December 2015. Nor did the award reflect what the agency wrote to several Senators including Majority Leader McConnell and Chairman Barrasso or language in the 2018 Omnibus. Below is an email from Michael Keegan outlining the history. I have included directly below the language from the 2018 Omnibus.

While the decision has been made, I just wanted you to have the history in hopes something can be done in the future to correct this situation. While the Agency did have the authority to use its discretion for 2017 it appears that its discretion is more limited in 2018 and that should be reflected in the award.

Thank you for your work on behalf of the environment and the Administration.

BKH

2018 Omnibus language:

Environmental Protection: National Priorities.—The bill provides \$12,700,000 for a competitive grant program to provide technical assistance for improved water quality or safe drinking water, adequate waste water to small systems or individual private well owners. The Agency shall provide \$10,000,000 for the Grassroots Rural and Small Community Water Systems Assistance Act, for activities specified under section 1442(e) of the Safe Drinking Water Act (42 U.S.C. 300j- 1(e)(8)). The Agency is also directed to provide \$1,700,000 for grants to qualified not-for-profit organizations for technical assistance for individual private well owners, with priority given to organizations that currently provide technical and educational assistance to individual private well owners. The Agency is directed to provide on a national and multi-State regional basis, \$1,000,000 for grants to qualified organizations, for the sole purpose of providing onsite training and technical assistance for wastewater systems. The Agency shall require each grantee to provide a minimum 10 percent match, including in kind contributions. The Agency is directed to allocate funds to grantees within 180 days of enactment of this Act. The Committees understand the Agency has made a decision to put out a multi-year Request for Applications for fiscal year 2017 and fiscal year 2018 without expressed approval from the Committees. The Committees expect the Agency to formally consult on similar decisions in the future.

B. Keith Heard
National Rural Water Association
101 Constitution Ave. NW
Suite 850 East
Washington, D.C. 20001

Ex. 6

From: Mike Keegan
Sent: Tuesday, April 17, 2018 10:38 AM
To: Keith Heard
Cc: Bill Simpson
Subject: Re: Email to Ryan Jackson

Over the last six years, EPA has used its discretion to reduce effective on-site technical assistance to small and rural communities by approximately 70% and eliminated all full-time in-field technicians (our Circuit Riders).

(Congressional Solution) To correct this situation, Congress unanimously passed a new law, "Grassroots Rural and Small Community Water Systems Assistance Act," (PL114-98) that mandates that EPA target Congressional funding to the most beneficial assistance for small and rural communities in each state. Congress provided funding for that new law at the discretion of the Administrator for the first time in fiscal year 2017.

(EPA Disregards Congress) On June 9, 2017, seven U.S. Senators urged EPA to use your executive discretion to award fiscal year 2017 funding under the authorities in PL 114-98. On July 25, 2017, EPA wrote Senator Barrasso and stated, *"EPA will use its authority under the Safe Drinking Water Act, as amended by the Grassroots Rural and Small Community Water Systems Assistance Act, to fund through the RFA non-profit organizations that can provide effective technical assistance for small and rural water systems."* However, EPA's October 20, 2017 Request for Applications (RFA) contains no mention of PL 114-98 or its provisions for governing the awarding of technical assistance funds. On April 11, 2018, EPA announced that awarding of the technical assistance funds were not based on PL 114-98's provisions. Furthermore, EPA announced the funding would be awarded for a two-year contract when the Congressional directive to EPA had changed significantly for those two years (FY2017-2018). EPA use of the funding since 2012 has largely resulted in the funding having no meaningful positive benefit to small and rural communities.

EPA should rescind their two-year award that did not acknowledge the significant change in Congressionally-approved authorities provided to the EPA from FY2017 to FY2018.

FY2017 Provision: *"The Agency is directed to provide on a national or multi-State regional basis, \$11,000,000 for grants to qualified not-for-profit organizations, including organizations authorized by Section 1442(e) of the Safe Drinking Water Act (42 U.S.C.300j-1(e)(8)), for the sole purpose of providing on-site training and technical assistance for water systems in rural or urban communities."*

FY2018 Provision: *"The Agency shall provide \$10,000,000 for the Grassroots Rural and Small Community Water Systems Assistance Act, for activities specified under section 1442(e) of the Safe Drinking Water Act (42 U.S.C. 300j1(e)(8))."*

Message

From: Manning, Tina [tmanning@deltacouncil.org]
Sent: 4/26/2018 3:51:23 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Chip next week

Ryan,

Chip will be in town next week and would like to visit with you briefly if you have any availability. He arrives Monday afternoon and departs early Friday morning. We look forward to hearing from you and please give me a call if you have any questions.

Thanks,

Tina Manning
Delta Council Staff

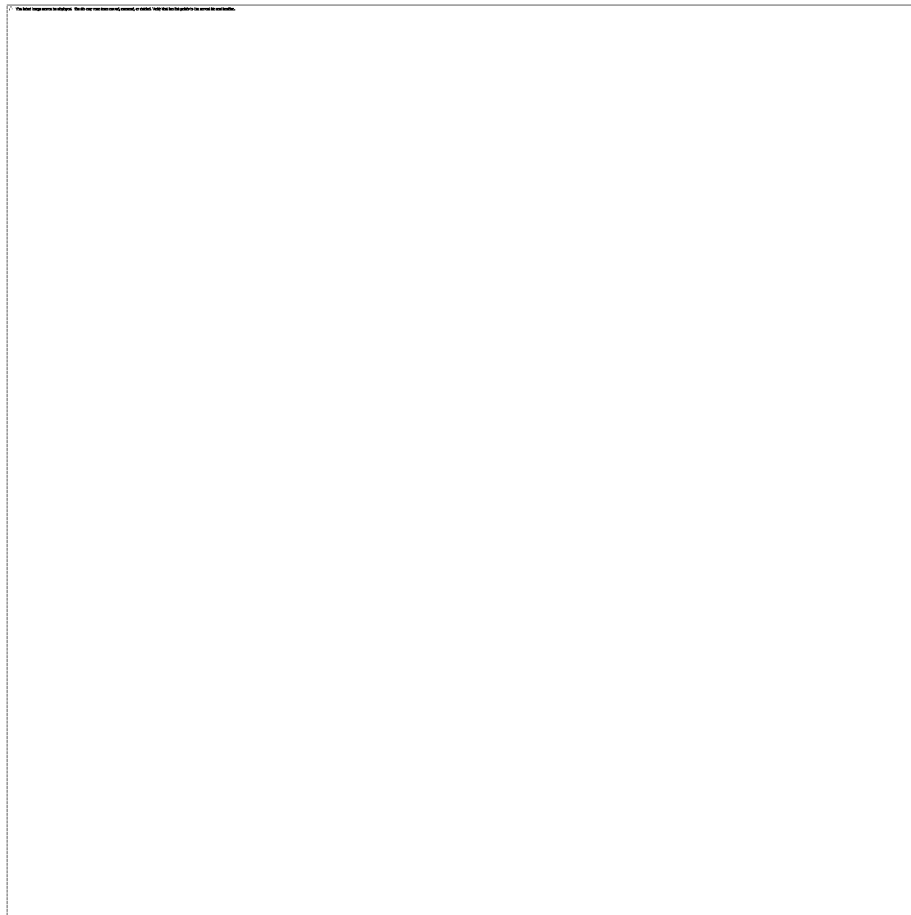
Ex. 6

Message

From: Verizon [Ex. 6]
on behalf of Verizon [Ex. 6]
Sent: 4/16/2018 4:59:47 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: [DMARC Fail] Next Gen-Networks Advance Environmental Sustainability

Next Gen-Networks Advance Environmental Sustainability

[View this email in your browser](#)



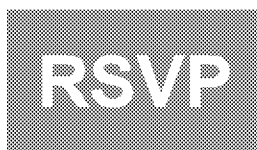
**Celebrating Earth Day: The Power of Next-Generation Networks to
Advance Environmental Sustainability**
Monday, April 23rd 11:30 AM - 1:30 PM
Verizon Technology and Policy Center
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Washington, DC

Please join us for a luncheon spotlighting the power of next-generation networks to spur solutions that protect the environment and grow the economy.

Speakers include:

- Nancy Gillis, CEO, Green Electronics Council
- Jim Gowen, Chief Sustainability Officer, Verizon
- Emilie Hung, Solutions Architect, Verdigris
- Vaughan Turekian, Sustainability Program, National Academy of Sciences
- Darrell West, Center for Technology Innovation, Brookings



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Message

From: Ex. 6 Ex. 6 - Personal Email
Sent: 5/2/2018 12:45:48 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Question for a Mr. Ryan Jackson

Hey Mr. Jackson,

My name is Ex. 6 I'm currently a first year finance student at Elon University and I was reading up on a few of your policies for a report I have to complete; specifically those involving, straight from the EPA's website, "the first long-term reauthorization of the nation's surface transportation infrastructure in 10 years" and "a new Water Resources Development Act that prioritized funding for national ports and water infrastructure". I can't find much additional information on these, and I was wondering if you could point me in the right direction.

Thanks for your time,

Ex. 6

Elon University, Class of 2021

Ex. 6

Message

From: Peter Wright [Ex. 6 - Personal Email]
Sent: 4/28/2018 7:28:13 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re:

Ryan

I was pleased with the meetings. I was glad to see you briefly. I look forward to my confirmation hearing.

I can speak almost anytime next about the next steps. Let me know what works for you.

Have a great weekend.

Peter

Sent from my iPhone

> On Apr 28, 2018, at 2:01 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

>

> Peter, glad the meetings with Senators went well this week. We were really hoping the hearing would be toward the first part of May instead of the end of May. Do you have time next week to discuss next steps?

>

>

>

>

>

>

>

> Ryan Jackson
> Chief of Staff
> U.S. EPA

> [Ex. 6]

>

From: Potomac Forum Training Workshop [PotomacForum@GovPerformanceConductTraining.org]
Sent: 4/26/2018 3:34:22 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Training: Addressing Gov Performance, Conduct and Harassment Issues



**Administration Is Focusing on Government Employee
Performance
and Addressing Conduct Issues Including Harassment in
Workplace
- Learn Latest Info from Gov Speakers-**

**Maximizing Employee Performance and Managing Conduct
in the Modern Federal Workplace and
Meeting the Requirements of
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*Beyond the Basics:***

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May 17, 2018

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Willard InterContinental Hotel
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Including: Conduct Issued Regarding
Harassment In Gov Workplace:
A Talk About a Topic We Can No Longer Talk Around

Outstanding Speakers:
Veronica Villalobos
Principal Deputy Associate Director
Employee Services Division
U.S. Office of Personnel Management (OPM)

Teresa (Terry) Gerton
CEO and President
National Academy of Public Administration (NAPA)

James Read
Director, Office of Policy and Evaluation
Merit Systems Protection Board (MSPB)

Rebecca Ayers
Manager, Performance Management Solutions (PMS)
Office of Personnel Management (OPM)

Marcus Brownrigg
Strategic Partnerships and Communications Advisor, Office of the CEO
Corporation for National and Community Service (CNCS)

N. Tony Nguyen
Associate Director, Workforce, Relevancy & Inclusion Management
National Park Service (NPS)
Department of the Interior (DOI)

Ray Crawford, PhD
Employee Engagement Officer
Office of Federal Student Aid
Department of Education

Thevee Gray
Personnel Psychologist
Department of Agriculture (USDA)

Chris Armstrong
Culture Executive
National Geospatial-Intelligence Agency (NGA)

Bill Valdez
President
Senior Executives Association

Mika Cross
Federal Workforce Expert

Overview:

Experienced Human Capital Executives and Leadership Experts will share their insight and experience in developing and implementing long-term and near-term workforce management practices that will help attendees understand how best to improve performance, increase accountability and reduce costs.

This workshop will provide you with practical, easy to implement tools and resources to help you achieve the best results for managing performance and conduct in the workplace to achieve the goals of E.O. 13781 while enhancing employee performance to increase mission efficacy and increase retention.

What You Will Learn:

- Understand how to quickly differentiate between employee performance and conduct issues and what you need to know to quickly address employee discipline and/or termination
- Identify the competencies needed as a successful supervisor to maximize employee performance and how to avoid common pitfalls to managing performance and conduct in the modern workplace
- Know where to find practical support, assistance and resources to effectively deal with performance and conduct issues in the workplace
- Adopt promising practices that drive positive outcomes by leveraging the Federal Employee Viewpoint Survey Results into actionable steps to cultivate an inclusive, high-performing culture designed to retain top talent and maximize employee potential and performance

Why You Should Attend:

- Maximize employee performance by focusing on concrete steps to increase performance and effectively deal with poor performers;
- Optimize employee recognition programs designed to recognize, reward and retain top performers;

- Build your toolkit for cultivating a culture of engagement and accountability designed to achieve enhanced organizational and individual performance

Who Should Attend:

- Federal supervisors and managers**
- Federal HR Executives, managers and staff**
- Anyone responsible for implementing Agency restructuring plans**
- Federal employees or members of employee affinity groups**
- Communications practitioners responsible for leading change management and internal communications campaigns**
- IGs and Staff**
- Industry Partners who support the government**

Format:

Lecture, guest speakers, and practical exercises.

CEUs Awarded Upon Workshop Completion

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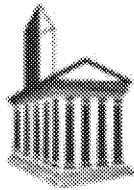
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Potomac Forum, Ltd.

This email was sent by: **Potomac Forum, Ltd.**
400 North Washington Street , Alexandria , Virginia, 22314 , USA

Message

From: Ex. 6 Ex. 6 - Personal Email
Sent: 4/26/2018 3:45:58 AM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Presidential Appointment

Hello Friends and Professional Contacts,

I hope that all remain safe on your end. Here is my letter to the White House on LinkedIn's SlideShare: Ex. 6

If you know anyone at the White House, would you kindly forward them the letter. Thanks. If you have any questions, do not hesitate to call me.

Warm Regards,

Ex. 6

Ex. 6

"We cannot solve our problems with the same thinking we used when we created them."
Albert Einstein

Ex. 6

Message

From: Kennett, Dave [Dave.Kennett@mail.house.gov]
Sent: 4/19/2018 8:42:27 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Ringel, Aaron [ringel.aaron@epa.gov]
Subject: Re: Two things

Thanks Ryan.

Tricia Evans from our office is coordinating else schedule and she will reach out.

Sent from my iPhone

On Apr 19, 2018, at 1:04 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Absolutely we can meet. Will you let me know the times? Or just put them in touch with us?

From: Kennett, Dave [mailto:Dave.Kennett@mail.house.gov]
Sent: Thursday, April 19, 2018 3:33 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Two things

Hi Ryan,

Thanks for setting that call with Calvert up yesterday. If we can get it arranged, he'll be calling Mary Nichols, who we know relatively well, to discuss getting things on track. We are aiming for Monday.

On another matter, last year you met with a group of Calvert's constituents to discuss the CA waiver. It was the Monday Morning Group and you probably met with Tom Mullen and Ron Loveridge who explained how impacted our region is etc. They are coming back in two weeks and have asked to meet with you again.

Knowing your time is tight, I am more than happy to tell them that a meeting is not necessary because of conversations between Pruitt and Calvert. However, if for some reason you'd like to meet with them, I'll let them know and we'll work with you to arrange a time. Please do not feel like you need to take this meeting. The last thing I want to do is give you more work. I am more than comfortable telling them no.

Beyond no meeting or a meeting with you, a third alternative is for them to meet with Josh Lewis. If that's something you want me to point them towards, let me know.

Thanks,
Dave

Message

From: Wilcox, Jahan [wilcox.jahan@epa.gov]
Sent: 4/23/2018 6:00:34 PM
To: Ganim, Sara [Sara.Ganim@turner.com]
CC: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: RE: Pruitt Auto Center

You should ask Experian about their report. You should also ask the Oklahoma's Secretary of State's office to verify that an organizer has no legal ownership or interest.

I have told you on-the-record that Scott Pruitt does not own, nor has ever owned Pruitt Auto Center. We have asked for the appropriate contact for the lawyer at CNN, which has gone unanswered. Again, if you want to report a false story that is your decision, but what you are about to report is a lie.

"Scott Pruitt has never, ever owned Pruitt Auto Center, which is why it is not on his Oklahoma or Federal disclosure forms. To report that he ever owned Pruitt Auto Center is categorically false." – EPA spokesman, Jahan Wilcox

From: Ganim, Sara [mailto:Sara.Ganim@turner.com]
Sent: Monday, April 23, 2018 1:52 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Re: Pruitt Auto Center

What about the Experian reports?

--

Sara Ganim
CNN Washington

Ex. 6

From: Wilcox, Jahan <wilcox.jahan@epa.gov>
Sent: Monday, April 23, 2018 1:47:52 PM
To: Ganim, Sara
Cc: Bowman, Liz
Subject: RE: Pruitt Auto Center

An Organizer is merely the attorney who files the paper. An organizer has no legal ownership or interest in and to the company

From: Ganim, Sara [mailto:Sara.Ganim@turner.com]
Sent: Monday, April 23, 2018 1:24 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Re: Pruitt Auto Center

I'm also attaching this report from the OK Secretary of State, showing Scott Pruitt signed as the organizer of Pruitt Auto Center.

--

Sara Ganim
CNN Washington

Ex. 6

From: Ganim, Sara
Sent: Monday, April 23, 2018 1:02:28 PM
To: Wilcox, Jahan
Cc: Bowman, Liz
Subject: Re: Pruitt Auto Center

I'm attaching the credit report so that you can see it.
As you can see, he is listed in several places.

--

Sara Ganim
CNN Washington

Ex. 6

From: Wilcox, Jahan <wilcox.jahan@epa.gov>
Sent: Monday, April 23, 2018 12:12:14 PM
To: Ganim, Sara; Nobles, Ryan
Cc: Bowman, Liz
Subject: RE: Pruitt Auto Center

Here is our statement for your story: **“Scott Pruitt has never, ever owned Pruitt Auto Center, which is why it is not on his Oklahoma or Federal disclosure forms. To report that he ever owned Pruitt Auto Center is categorically false.”** – EPA spokesman, Jahan Wilcox

Also I need a contact for CNN or Time Warner’s legal department. One email address/phone number please. Thank you!

From: Ganim, Sara [<mailto:Sara.Ganim@turner.com>]
Sent: Monday, April 23, 2018 10:48 AM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Pruitt Auto Center

Good morning -- CNN plans to report the following:

- That Scott Pruitt was part owner of the Pruitt Auto Center in 2005, per a credit report.
- That he did not disclose the ownership on his Oklahoma state financial disclosures.

-That Pruitt's Auto Center seemed to stop doing business shortly after

Ex. 6

Ex. 6

-That Ken Wagner, who is now a senior advisor at the EPA, represented

Ex. 6

--

Sara Ganim

CNN Washington

Ex. 6

Message

From: Mike Cooper [Ex. 6 - Personal Email]
Sent: 4/17/2018 7:45:27 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: EPA Pruitt 4-11-18.pdf
Attachments: EPA Pruitt 4-11-18.pdf

RJ

FYI

Letter

Thanks
Coop

Sent from my iPhone

The Honorable Scott Pruitt
Administrator, U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C., 20460

April 10, 2018

Dear Administrator Pruitt:

On behalf of the Association of Defense Communities (ADC) and its 300 member communities and states, we urge the Environmental Protection Agency to take timely and direct action and establish cleanup standards focused on perfluorooctanoic acid (PFOA) and perfluorooctane sulfate (PFOS) contamination and issue risk communication guidance so that appropriate prioritization, action, and resources can be deployed to address this national public health concern.

For 40 years, ADC has been the voice of communities and states with an active and transitioning military presence. These communities are now the frontline for the Department of Defense's (DoD) growing issues regarding PFOA and PFOS contamination caused by legacy operations at closed bases and ongoing operations at active installations. The impacts and danger posed by these chemicals through contamination of drinking water supplies is a significant issue for defense communities and is causing economic problems and straining the relationship between bases and their host communities.

As of August 2017, DoD reported 564 of 2,500 off-base public and private water systems tested above EPA's PFOA and PFOS advisory lifetime limits. DoD's priority is to identify and cutoff receptor pathways, and to date it has identified 401 active and BRAC installations with at least one area where there is a known or suspected release of PFOA and PFOS. One of DoD's major challenges, and a matter of great concern to adjacent communities, is the lack of clear standards so that uniform, efficient and cost effective cleanup strategies can be developed and implemented.

The potential risk of drinking water contamination has hindered vital projects aimed at redeveloping base closure sites and burdened military communities that play an important role in supporting our nation's defense. Because there is no federal cleanup standard for PFOA and PFOS, our communities are stuck in a policy stalemate that is only getting worse and costing the federal government hundreds of millions of dollars. EPA action alone can establish a nationwide standard that will ensure a consistent and fair approach to addressing PFOS and PFOA contamination.

In 2016, the Agency issued unenforceable lifetime health advisories for PFOA and PFOS. Because it fails to include cleanup standards, this incomplete guidance has:

- created regulatory uncertainty for a broad range of water suppliers, communities, DoD, federal agencies and landowners throughout the country;
- resulted in each military branch adopting a disparate approach to addressing the discovery of PFOA and PFOS contamination and assigning responsibility, effectively delaying DoD from fully addressing cleanup requirements and budgeting sufficient funds;
- triggered a dozen states to establish or consider establishing their own enforceable standards that are likely to vary or conflict in terms of allowable health risks and responsibility for enforcement, possibly complicating and delaying DoD response actions;
- caused significant angst and uncertainty among local governments, created a climate that can lead to distrust and possibly litigious actions, and derailed land transfer negotiations and other property disposal efforts for BRAC sites, harming their redevelopment potential; and

- significantly affected defense communities with PFOA and PFOS contamination which need resources to better understand the health impacts and corrective measures to protect their residents.

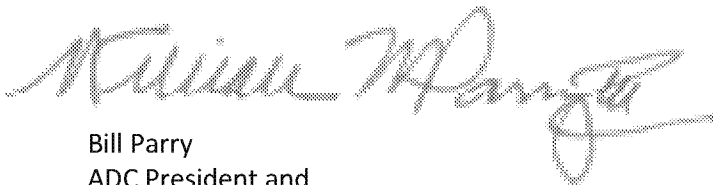
This issue is having a dramatic impact in our member communities, with one of the most notable being the former Naval Air Station-Joint Reserve Base Willow Grove (NAS-JRB) and the active Horsham Air Guard Station, located in Horsham Township, PA. Past spills or releases by the military have contaminated the local aquifer, which is used by the surrounding community for its drinking water. The problem is further complicated by the absence of a single, federal cleanup standard, which has led to differing approaches and separate investigations taken by the Navy and the Air National Guard even though the release is associated with a single aquifer.

The affected community has been forced to shut down public water supply wells and purchase water from alternate suppliers to meet demand. Private residential properties with wells were forced to use bottled water for drinking and cooking purposes. Extensive media coverage contributed to a perception in the community that local residents were living in a "toxic environment." Local elected officials had to take dramatic and costly actions, including establishing a 'non-detect' short-term goal for the acceptable level of PFOA and PFOS in the water supplied by the local water authority, extending water mains into neighborhoods previously unserved and approving a surcharge on all water customers.

The redevelopment of the former NAS-JRB Willow Grove base has been delayed, with further progress dependent on establishing standards for PFOA and PFOS in groundwater, soil and surface water. Absent an EPA-approved remediation plan for both bases, the economic recovery associated with the closure of NAS-JRB Willow Grove is on hold, hampering the community's prospects to recover economically and possibly altering the site's reuse potential.

Your leadership and action on this issue is important to ensuring that communities such as Willow Grove have a chance to succeed, and the resilient bond between the military and the communities they call home is not further harmed.

Respectfully submitted,



Bill Parry
ADC President and
City Manager,
City of Gatesville, Texas



Mike Cooper
ADC Past President and
Chairman, Oklahoma Strategic
Oklahoma Military Planning
Commission

CC:

Honorable James Mattis, Secretary of the Department of Defense,
Honorable Alex Azar, Secretary of the Department of Health and Human Services.

Message

From: Ex. 6 - Personal Email
on behalf of Ex. 6 Ex. 6 - Personal Email
Sent: 4/12/2018 9:35:53 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re: Opportunities

Dear Mr. Jackson,
I am writing to follow-up one final time on my email of March 15th, as
I continue to search for post-collegiate opportunities.

Sincerely,

Ex. 6

On 3/15/18, Ex. 6 Ex. 6 - Personal Email wrote:

> Dear Mr. Jackson,
> I am writing to follow-up on my email of February 17th, as I continue
> to ascertain the availability of the appropriate post-collegiate
> opportunities.

> Sincerely,

Ex. 6

> On 2/17/18, Ex. 6 Ex. 6 - Personal Email wrote:

>> Dear Mr. Jackson,
>> I am writing as a recent graduate from Ex. 6
>> Ex. 6
>> who has been involved in civics for twelve of my twenty-two years,
>> including three years in communications-related roles.

>> As I actively explore post-collegiate opportunities, I am interested in
>> ascertaining the availability of such opportunities with the EPA.

>> I am attaching my CV to provide further information, and look forward to
>> hearing from you at your convenience.

>> Sincerely,

Ex. 6

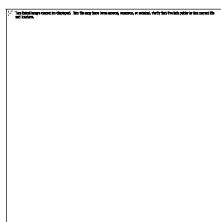
>>
>

Resilience is the ability for federal employees to roll with the punches, pivot, and spot new approaches to accomplish the agency's mission.

Message

From: Chris McCloskey [federalsolutions@dalecarnegie.com]
Sent: 4/26/2018 3:06:21 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: How to Be Resilient in Times of Change

Not rendering correctly? View this email as a web page [here](#).



Hi Ryan,

Resilience is the ability for federal employees to roll with the punches, pivot, and spot new approaches to accomplish the agency's mission. Dale Carnegie is excited to offer its Resilience in Leadership Live Online training to the U.S. Federal Government.

This Resilience in Leadership subscription training path includes 6 Live Online courses:

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- Lead Change Effectively
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- Managing Workplace Stress
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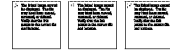
Download our brochure to learn more. (<https://bit.ly/2HOgIR1>)

Sincerely,

Chris McCloskey & Sandy Herman
Dale Carnegie - Federal

Washington, DC 20005

federalsolutions@dalecarnegie.com



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Message

From: Victoria Nolte [victoria_nolte@policybrand.com]
Sent: 3/18/2019 6:00:21 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Following up from 3/12

Hi Ryan,

I hope you've had a good week! I'm checking back in to see if you'd be willing to share your personal thoughts on engagement between the government and the private sector. In particular, we're studying what organizations that engage the government are doing that's helpful (and what can be improved). You can still participate in the study [here](#)!

Please reach out if you have any questions; I'm more than happy to chat.

Thanks so much!
Victoria

—
Victoria Nolte | Research Analyst | Policy Brand Research

Ex. 6

600 New Hampshire Ave
Washington, DC 20037
www.policybrand.com

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Message

From: Richard Denison [rdenison@edf.org]
Sent: 4/2/2018 4:41:50 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Joanna Slaney [jslaney@edf.org]
Subject: RE:

Ryan: I hope you are doing well.

With all due respect, I wish your boss would reconsider his directives, which in our view make it nearly impossible to maintain scientific strength and integrity at the agency and in its advisory panels – as do the continued attack on the IRIS program from within the Agency and the efforts to undermine TSCA assessments by severely limiting the scope of chemical risk evaluations, among other actions.

We'd welcome the opportunity to discuss any of the above at any time, as well, if you wish, Dr. McPartland's decision not to serve on the SACC—a decision I can assure you she did not take lightly and struggled to make.

Best, Richard and Joanna

From: Jackson, Ryan [mailto:jackson.ryan@epa.gov]
Sent: Friday, March 30, 2018 6:47 PM
To: Richard Denison; Joanna Slaney
Subject:

I wish you would consider staying.

<https://www.eenews.net/greenwire/2018/03/30/stories/1060077847>

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

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